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THE
GOVERNMENT OF THE PEOPLE
OF THE STATE OF
TENNESSEE.

✓ BY

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THE importance of having the youth of our State familiar with the governments under which they live—both local and general—is becoming widely recognized. The hope of our country is in the intelligence and virtue of its citizens. We cannot expect the ignorant and vicious to choose wise rulers and demand an honest administration of the laws. Nor can we expect those to vote intelligently who do not know the nature and powers of our government or the duties of the officers they elect. We are, therefore, under obligation to instruct our youth with regard to these things and especially concerning the local government with which they will have so much directly to do.

It has not been possible, within the compass of this manual, to bring out all the variations in local government—especially that of cities. This is necessarily left to the teacher, who will find his work inspiring and successful in proportion to its connection with the study of government as it actually exists around him.

For valuable suggestions and criticisms the author desires to acknowledge his indebtedness to Joshua W. Caldwell, Esq., author of *Studies in the Constitutional History of Tennessee*; Captain William Rule, editor of the *Knoxville Journal*; Hon. Geo. W. Pickle, State Attorney-General and Reporter; Hon. S. G. Gilbreath, State Superintendent of Public Instruction; Hon. T. F. P. Allison, Commissioner of Agriculture; Hon. H. H. Ingersoll, Dean of the Law Department in the University of Tennessee; Hon. S. G. Heiskell; Judge George L. Maloney; and others. To Mr. Caldwell he is especially indebted for criticising most of the manuscript and for furnishing important facts regarding court procedure.

T. C. KARNs.

UNIVERSITY OF TENNESSEE, }
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JOHN SEVIER.

THE CIVIL GOVERNMENT OF TENNESSEE.



GENERAL PRINCIPLES.

It was once thought that government first arose from a specific agreement among men, but this theory has given place to the more reasonable hypothesis that it originated in the family and has been developed and changed by the conditions, circumstances, and necessities of humanity. The father of a family was its natural ruler. If he had a strong personality, or in some way became separated from his kinsmen, as was the case with Abraham, his descendants, in time, grew to be a distinct nation with their own language, laws, religion, and traditions. After the founder of the tribe passed away, the ruler chosen was generally the most noted warrior, or a man who possessed some marked powers of leadership.

While men lived in the family, or tribal, condition, they possessed the form of nationality, but usually had no fixed territorial boundaries. They were simply a group of *people* regulated in their intercourse with one another by rudimentary *laws*. They wandered about over large and indefinite areas wherever game, or pasturage for flocks, or other conditions for subsistence, were most favorable. The history of oriental life furnishes striking examples. As civilization developed and the art of agriculture began to be

acquired, the tendency to a more definite claim upon the land increased. The Barbarians who disrupted the Roman Empire were moving nations with crude governments and laws and unsettled boundaries, though in time they acquired permanent territories and the *land* became a fixed element in the State.

As the modern nations grew in civilization, the masses of the people increased in knowledge, and, taking unto themselves more power, restricted the tyranny of their rulers by fixed regulations. Hence we have, as a fourth element in government, a *constitution* containing the fundamental and fixed law. In modern republican governments this principle has been extended to a restriction of the action of the people themselves or their representatives. It also embodies the organic law which defines the character and extent of the government and the principles upon which the latter is founded. Therefore, in its fully developed form, the state comprises (1) the *people*, (2) their *laws* or changeable regulations, (3) their territory or the *land* they possess, and (4) their *constitution* or fixed regulations.

While the family, or tribal, theory represents the typical process in the formation of nations, it is not true for those that have originated in colonies from countries having advanced civilization. The government of the United States is of the latter class. The political system and laws of this country were derived largely from a modification of those in the mother country.

The complex character of the government which was finally constructed in America is another distinguishing feature. The colonists, having settled in distinct groups, developed differently. As colonies, they were entirely independent of each other. At first the only bond of union was the protecting power of the mother country and a common origin. Under such circumstances, local government flourished. The National spirit was born in resistance to French

aggressions and the later tyranny of the mother country. With independence, the local colonies became States which are integral parts of a united whole combining both local and general functions of government. In this result, taken with the representative system, we have the highest development of human government.

Thus the great merit of American government consists in its perfect adaptation to every demand. No system was ever before devised in which perfect freedom in local government was so harmoniously combined with all the necessary requirements of National authority. It was found necessary to have certain laws applying uniformly to the whole country. Other matters were best regulated by the individual States. Still others are left, especially in their application, entirely to the counties. Some again are so extremely local in character as to be attended to exclusively by the civil districts, or the townships, of the county. This system, so complex and yet so perfect in its action, was not wholly an invention, but largely a growth shaped by circumstances. Local government is the glory of our Republic. No other country has so wise an arrangement.¹ Even in the republic of France, all local government is controlled from a National bureau at Paris.

The written constitution is also peculiar to America. While documents containing the germs of a constitution had previously appeared, the written constitution was first developed extensively in this country. It had its origin in the old Colonial charters, some of which were retained as constitutions after the colonies became States. Each State, as well as the United States, has a constitution which contains the organic and fundamental law of the State.

Our application of the term State, as we have seen, is peculiar. The thirteen original States were independent commonwealths. As they had, while colonies, combined for protection against external enemies, so afterwards they

¹Switzerland comes nearest to it.

united as a protection against themselves, and the term State was then used to designate a subordinate government. At first the National spirit was weak. The smaller States were jealous of the power of the larger States, and each was afraid to trust the rest. The tyranny of the king of England had taught them to fear a unity of power. It was with the greatest difficulty, and with the gravest apprehension, that the constitution was finally established. Yet, in the course of our progress, the National spirit has grown stronger and stronger.

The new States that have been arbitrarily carved out of the National domain never contained the elements of nationality as did the old thirteen. The increased facilities for communication, the results of the Civil war, and the overshadowing character of National politics, have all conspired to make the change so great that we are now in danger of underestimating the functions of the State. Patriotism has come to refer in most cases to the general government. Our great interest centers in this. All our political views take shape from National questions. Text-books on civil government have confined themselves mainly to our National system. And yet the State government has far more to do with the common life of the people than has that of the Nation. As Bryce, in his *American Commonwealth*, so strikingly shows, an American has little, except the National elections, the post-office, and the tariff, to remind him of Federal authority. All the details of government which he meets in everyday life emanate from the State.

It is, therefore, clearly apparent that, while we should not study, or value, the National government less, we should yet seek to know more about the State government under which we live and with which we have so much to do.

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TENNESSEE.

PART I.

HISTORICAL SKETCH OF TENNESSEE.

CHAPTER I.

INTRODUCTION.

1. Tennessee is one of the South Central States. Its surface slopes down irregularly from the summit of the Great Smoky mountains on the east, to the Mississippi river, which flows along its western border. In the eastern part it is very much broken; in the middle, hilly and gently undulating; in the west, low and level. The State has a great variety of soils and products. The climate is mild. Extremes of temperature are rare. There are three grand divisions, called respectively East, Middle, and West Tennessee. These are recognized in the constitution and are, in many ways, as unlike as different States. By studying the three divisions of our State, we learn how natural resources determine the occupations of a people and even give tone to their opinions about government and public policy.

2. East Tennessee is rich in minerals. Coal, iron, marble, roofing-slate, zinc, copper, and similar valuable deposits abound. Water power and other facilities for

manufacturing are excellent. The future of this section is full of promise. Its fertile valleys are thickly populated. The people are hardy and industrious. They cultivate small farms, are strong supporters of public schools, and are noted for their originality and independence of thought.

3. Middle Tennessee lies between the Cumberland plateau and the western valley of the Tennessee river. It is a rich agricultural and stock-raising section. Some of the finest horses of the world come from this part of the State. The people are well-to-do and generously hospitable. Many of the farms comprise from two hundred to one thousand acres. This division contains the capital of the State and is the center of political influence. Iron is found in the western part and coal in the east.

4. West Tennessee extends from the Tennessee river to the Mississippi. The leading industry is agriculture. Cotton grows in the south and grain in the north. The most productive lands of the State lie in the Mississippi bottoms. Large areas are covered with heavy timber, and lumbering is an industry of some profit. This section is without important minerals. It was the last part of the State to be settled. Its people are much like those of Middle Tennessee, from which section many of them came.

5. The Division of the State into three distinct parts is so remarkable as to require further notice. Each section claims its share of the State officers, State charities, and State appropriations. Each has a State asylum for the insane. Each has its Federal court and there are five supreme judges, only two of whom may come from any one of these three divisions. This unfortunate sectional feeling no doubt first arose from the distinct and widely separate location of the two original settlements in East and Middle Tennessee respectively, but a difference in natural resources and the consequent unlike pursuits and

conditions of the people have kept alive and intensified the feeling. It was first recognized in a formal way in 1807 when the work of the superior judges was apportioned.

6. Original Inhabitants.—When the first white people visited the Tennessee country, it was already inhabited by scattering bands of Indians. Yet vast areas were unoccupied and used only for hunting-grounds. At an early period, the Cumberland section, in the vicinity of Nashville, was possessed by the Shawnees, who were driven away later by hostile tribes, and wandered off to the northwest. The Chickasaws claimed all West Tennessee as a hunting-ground, but lived farther south in the Mississippi country. They showed much warlike spirit. The Cherokees occupied the southeastern part of the State and neighboring portions of Georgia and the Carolinas. They gave the early settlers more trouble than all other tribes. At an early period, a small tribe of the Uchees lived at the mouth of the Hiwassee river, but they were exterminated by the Cherokees. The Creeks had lands south of Tennessee, in Alabama and Georgia, and often encroached upon the Tennessee country. The Indians lived mainly by hunting and fishing. The women cultivated patches of Indian corn and beans. The men were generally engaged in war. There has been much speculation as to their origin, but of this nothing is known.

7. Mound Builders.—Scattered over the country, and especially along the river-courses, the first settlers found mounds of earth and rude forts which have often been thought to indicate earlier and more civilized inhabitants than the Indians. Of late years scientists have opened many of these mounds and discovered little or nothing but what could have been produced by the Indians themselves. The mounds contain arrow-heads, rude pottery, shells beads, ashes, and human bones, having evidently been constructed as tombs for the dead. The ashes indicate the

possibility of an altar where religious rites were performed. The forts are rude affairs and of no great importance. If these people were not common Indians, they were probably only a branch of the more civilized tribes that inhabited Mexico and Arizona.



CHAPTER II.

ORIGIN AND EARLY CLAIMS.

8. Origin of the State.—Tennessee was originally a part of North Carolina and the latter was, in like manner, originally a part of Virginia. Therefore, Tennessee may properly be called the granddaughter of the Old Dominion. It was the sixteenth State to come into the Union, or the third after the old thirteen. Tennessee was the first State to be organized out of United States territory. Its area is 42,050 square miles. The population in 1890 was 1,767,518, and it has very little of the foreign element.

9. Early Grants.—The boundaries of Tennessee were embraced in the grant which James I., in 1606, issued to the London Company—a vast tract lying between the thirty-fourth and the thirty-eighth parallels of latitude and extending, under the name of Virginia, from ocean to ocean. Another grant by Charles II., in 1663, to Lord Clarendon and others, included all of the State except the northern part, which was added in a later extension of the grant. This was now the separate colony of North Carolina, the government of which remained under lords proprietors until 1729, when it reverted to the king. During this period Locke's famous ideal plan of government, called the "Grand Model," was tried and given up as a failure.

10. For more than two hundred and fifty years after the discovery of America by Columbus, Tennessee lay

a silent wilderness of forests and grassy plains, except for a few Indians and straggling bands of explorers, traders, and hunters. At an early date, the trade in furs was found to be very profitable. A few trinkets would buy from the savages enough peltry to sell for a small fortune when transported to the Atlantic seaboard. Doherty carried on such a trade in the Cherokee country as early as 1690, and Adair about 1730. Traders from Virginia and the Carolinas often resided for years among the Indians, while engaged in this remunerative business, and learned much of their manners, customs, and pursuits. Some years ahead of the settlers, also came hunters, who, penetrating the wilderness, camped in the deep solitudes and took their own game and peltries. In 1748, Dr. Walker, with a company of Virginians, while on a hunting and exploring expedition, passing through Powell's valley, discovered and named Cumberland Gap, river, and mountains. There is evidence that Daniel Boone hunted on the Watauga as early as 1760, and Wallen on Powell's river and on the Clinch in 1761. Wallen's Ridge was named for the latter.

11. The Spaniards under De Soto had touched Tennessee soil in 1541, when they discovered the Mississippi river, near the present site of Memphis. By previous discoveries, under the authority of the Pope, they set up a claim to all North America, but, so far as Tennessee was concerned, their occupation of the land never amounted to more than the establishing of one or two forts and the carrying on of a limited trade with the Indians. As late as 1780 their asserted claim covered all Tennessee west of a north and south line running through the middle of the eastern division of the State. At the close of our Revolutionary war, Spain tried to profit from her control of the mouth of the Mississippi river, and, by a series of intrigues, at one time sought to alienate the western settlers from the new Federal Government, but the attempt was a failure. The

opening of the Mississippi in 1795 and the purchase of Florida in 1819 put an end to all Spanish complications.

12. The French explored the Great Lakes soon after the settlement of Canada and were on the Ohio as early as 1670. In 1671 they took formal possession of the entire Northwest region. Through the discovery of the Mississippi in 1673 by Joliet and Marquette, followed by La Salle's voyage to its mouth, they obtained a plausible claim to the whole Mississippi valley, which was called Louisiana. Having made settlements, later, on the lower Mississippi, they endeavored, by establishing a chain of forts and trading-posts, to hold all the country intervening between this section and Canada. Tennessee was a part of their claim and they built a fort on the site of Memphis and another on the site of Nashville. Their right was always disputed by the English, who claimed the country under Cabot's discovery, and the final contest for supremacy came with the great French and Indian war in 1754. After a long struggle, the disputed dominion east of the Mississippi passed over to the English by the Treaty of Paris in 1763.



CHAPTER III.

SETTLERS AND SETTLEMENT.

13. Scotch-Irish Settlers.—On account of its being west of the Alleghany mountains and remote from the seacoast, Tennessee was not peopled directly from Europe. It was one of the first States to be settled by emigrants from the older colonies. The first permanent settlers were mainly of Scotch-Irish descent. These people began their migration from Ireland in the early part of the eighteenth century. The greater number landed at Phil-

adelphia. Finding the coast lands already taken, they struck out for the frontier and possessed themselves of the highland slopes of the Alleghany mountains. They were hardy, brave, restless, positive characters, and exerted a controlling influence on government and other institutions wherever they settled. They loved liberty and were strong advocates of free government. Their religious ideas were somewhat severe and gloomy, on account of which they have been called the Puritans of the South.

14. Westward Movement.—The Scotch-Irish of Pennsylvania gradually worked southward and westward. About 1740, the frontier was in Bedford county, Virginia. By 1754 six families resided west of New river, Virginia. Fort Loudon was built on the Little Tennessee river in 1756, and the fort at Long Island, near the Virginia line, in 1758, but these were in advance of the settlements. Before the Revolutionary War, the tide of migration had reached Southwestern Virginia and descended into the fertile valleys of what is now East Tennessee. A smaller number of the same Scotch-Irish people had landed at Charleston, and pushing straight across to the interior met their northern brethren on the highlands of North Carolina and finally in settlements on the Watauga and the Holston. Thus Tennessee was peopled by emigrants from both Virginia and North Carolina.

15. Other Elements.—Most of the leaders in Tennessee affairs have been descendants of this Scotch-Irish race, though the mass of her population had a considerable admixture of Pennsylvania Germans who were carried along in the general current of migration. There was a smaller per cent. of French Huguenots, English, and Irish. The early inhabitants were a plain, practical people, noted for integrity, patriotism, and devotion to duty. They boasted no noble descent, but were the best sort of material out of which to build up a great commonwealth.

16. Source of Our Government.—Virginia was the original source of nearly all government in the Southern States, though Tennessee, in the main, received the principles of her political institutions through North Carolina. And yet we are not to suppose that Virginia's ideas concerning government were original with her. They came over with the early colonists, from England, where they had flourished under modified forms for more than a thousand years.

17. The Watauga Settlement.—The first settlers reached the Watauga in 1769. In a few weeks the banks of the crystal streams were dotted with cabins, and the foundations of a new State had been laid. Others followed rapidly as the tide of migration flowed on; and in a short time three flourishing centers of population had been established—one on the Watauga, one in Carter's Valley above Rogersville, and one on the rich lands of the Nollichucky.

18. Without Government.—It was at first supposed that the new settlements were within the domain of Virginia, but an extension of the line between Virginia and North Carolina, in 1771, showed that they belonged to the latter. This was a source of much regret to a large body of the people, since they had come from Virginia and preferred the government of that colony. Besides remoteness from the organized society of the parent State, the unsettled character of her government gave little hope for protection and support from that quarter. For three years, the settlements were without any authorized government, much to their detriment; for the need of some settled authority was deeply felt, especially for restraining that unruly element which naturally seeks the freedom of the frontier.

CHAPTER IV.

WATAUGA, KING'S MOUNTAIN, AND THE CUMBERLAND SETTLEMENT.

19. Government Formed.—A love for law and order was always strong with our ancestors. So, when they found themselves in the wilderness, out of the reach of established authority, they set about providing a government from their own resources. In 1772 most of the settlements held meetings, or conventions, and sent thirteen representatives who met and formed a central committee with general legislative powers. These elected from their number a committee of five citizens in whom were vested legislative, judicial, and executive authority. This committee was spoken of respectively as the court, the arbitrators, and the commissioners. A constitution, called "Articles of Association," was drawn up and signed. Thus was established the first original and independent government west of the great Appalachian mountains. This was the first free government by native Americans and when we remember that it was formed before the Revolutionary war, and while the colonies were yet subject to Great Britain, the case is still more remarkable. The Nollichucky settlement did not participate in the new government till 1775. There was evidently no intention of separating from the mother country, and yet the government was practically independent. Treaties were made with the Indians, land was bought, and other functions of sovereignty assumed. Religious liberty was complete and suffrage apparently unrestricted.

20. Two Great Leaders.—John Sevier and James Robertson are the two most prominent figures in the founding of our commonwealth. Both appeared on the Watauga at an early date, Robertson coming from North Carolina and Sevier from Virginia. Both assisted in form-

ing the Watauga government and both were members of the noted "Committee of Five." Sevier was of Huguenot descent and had more education and culture than Robertson. Later, he was at the head of the State of Franklin, and finally first governor of Tennessee. Robertson was less brilliant than Sevier and was self-educated, but his natural powers were remarkable. In 1778 he left the Watauga to prepare for a settlement on the Cumberland, where his family joined him in 1780. He became the leader and father of Middle Tennessee as Sevier became of East Tennessee.

21. A Part of North Carolina.—The Watauga Association lasted about five years. The court of arbitrators administered justice, issued licenses, recorded deeds, and performed all the functions of a regular commonwealth. This was another conspicuous example of the inherent capacity of the Anglo-Saxon race for self-government. However, as population grew and the number of evil-doers increased, the need of a stronger authority became apparent. In 1776, a numerously-signed petition to be annexed was sent up to the mother State. This was granted and the next year courts were established, and finally justices of the peace were appointed and the government of North Carolina became supreme.

22. In the Revolutionary War.—In 1776 the population around Watauga was about six hundred. The American colonies were in the midst of their struggle with Great Britain. Alienation grew into a declaration of independence. The spirit of patriotism was strong in the little colony west of the mountains, and for the next few years, its inhabitants divided their time between fighting the Indians and suppressing Tories. By 1780 the colony had experienced a considerable growth and John Sevier and Isaac Shelby, collecting the entire military force of the settlements at Sycamore Shoals, marched across the Great Smokies to assist in defeating the British under Ferguson,

at King's Mountain. This battle was claimed by Jefferson as the turning-point of the war for American liberty.

23. The Cumberland Settlement.—The settlement on the Cumberland took permanent shape in 1780. This colony was planted still farther in the wilderness and entirely away from the home government in North Carolina. Hence we observe a second little independent republic; which, however, acknowledged that it belonged to the parent State. The different stations sent their representatives who framed a "Compact of Government," similar to the "Articles of Association" adopted at Watauga. Two hundred and fifty-six names were appended. The supreme power, judicial and executive, was placed in "Twelve Notables," of whom Robertson was chairman. Davidson county was established in 1783 under the government of North Carolina and the "Compact of Government" came to an end.



CHAPTER V.

THE STATE OF FRANKLIN AND OTHER MATTERS.

24. The State of Franklin.—The next year gave birth to a third and more pretentious government. The people had always seemed disappointed that they were not under the jurisdiction of Virginia. Hence a constant disposition to separate from North Carolina and set up for themselves, especially since the parent State gradually neglected to protect and defend the colony west of the mountains and promote justice through the administration of law. Apparently wishing to rid herself of a burden, as well as to assist the general government, North Carolina, in 1784, ceded her western territory to the United States. The general government, operating as yet only under the Articles of Con-

federation, was very inefficient and had no fixed plan for managing territorial possessions. In the meantime there was supposed to be no government for the colony, and the people, distrusting the ability of the United States to do anything, became incensed and resolved to act for themselves. After holding a series of conventions, they established a new commonwealth which they called Franklin. The first two conventions were held at Jonesboro' and the third at Greeneville, which was made the capital of the new State. The population had increased to about twenty-five thousand. After considerable discussion and difference of opinion, the constitution of North Carolina, with some modifications, was adopted. While these events were occurring, North Carolina heard of the action of the colonists, and her governor issued a proclamation urging the people to return to their allegiance. The act of cession was repealed, courts established, and officers appointed for the Franklin counties. This satisfied many, but, nevertheless, a new State was formed and John Sevier became its first and last governor. A conflict of jurisdiction ensued between the rival officers of the rival governments. Sevier had favored the new commonwealth, but abandoned it when the act of cession was repealed, and afterwards again joined the separatists. Finally North Carolina offered conciliation and promised that a new State should be established in due time. Thereupon many others became alienated from the new enterprise. The last legislature met at Greeneville in 1787 and, with the expiration of Governor Sevier's term of office, in 1788, the power of the State of Franklin became extinct.

25. Primitive Life.—In studying the events of these early days, it is important to keep in mind the primitive life of the people. The time for modern inventions had not yet come, and civilized life, everywhere, had few advantages compared with the present. The people west of

the mountains were at a great disadvantage on account of their remoteness from the older settlements. Communication was difficult. At first, letters were carried only by hand and irregularly. The roads were mere paths through the wilderness of forest and mountains. Merchandise and all the higher comforts of life were imported at great cost, on pack-horses. The manner of living was rough and simple, but hearty and sympathetic. The people spent their time in cultivating small "clearings" in the forests, in hunting, and in protecting themselves against the Indians. When the harvest was ripe or the fodder to be saved, women often labored in the fields with their husbands and brothers. All clothing was homespun. Men wore the hunting-shirt. Women were clad in linsey, a product of their own looms. Houses were rude structures of round or hewn logs and had puncheon floors. Open-hearted hospitality abounded and the feeling of brotherhood and mutual assistance everywhere prevailed. The moral sentiment was strong and forced out of a community all offensively wicked and craven characters. Our ancestors had an abiding faith in religion and revered sacred things. Unbelief was scarcely known, even among those who neglected the formal demands of the church. Articles of prime necessity, like axes, cow-bells, and rifles, passed instead of money. Coin was rare. Taxes were paid in peltry, home-made cloth, and similar products, taken at a fixed value. The State of Franklin even enacted a law providing that officers' salaries might be paid in skins and other articles of trade which had been received for taxes. Government assumed certain powers which would now be considered socialistic, or, at least, extremely paternal, as, for example, when county courts, not infrequently, fixed the price of whiskey, and tavern-rates for meals. Yet, with all their deprivations, the people generally were happy and contented.

26. A Fourth Republic.—From 1788 to 1790, the peo-

ple were under the government of North Carolina. However, there was a small exception. A fourth little republic was organized south of the Tennessee, French Broad, and Big Pigeon rivers. Its territory was embraced within the limits of Sevier, a county organized by the State of Franklin on the Indian hunting-grounds. Its self-government resulted from North Carolina's refusal to extend protection and recognize the occupation of its lands as legal. A constitution called "Articles of Association" was adopted. The "articles" resembled those of Watauga and continued in force till after the country was organized as "The Territory South of the River Ohio."



CHAPTER VI.

TENNESSEE AS A UNITED STATES TERRITORY.

27. Territory South of the Ohio.—On the 25th of February, 1790, North Carolina again ceded to the United States her territory west of the mountains. Its population was now thirty-five thousand. The Federal constitution had superseded the Articles of Confederation and a more definite policy regarding territory belonging to the general government had been adopted. North Carolina had ratified the constitution only a few months previously. The cession was made in response to a proposition by Alexander Hamilton, then Washington's secretary of the treasury, that the general government should assume the various State debts in return for a cession by the States of all their western lands. One provision of the cession, unlike the case of the Northwest Territory, was that slavery should never be interfered with. The cession was accepted and on May 26, 1790, Congress passed an act by which a government was provided for the country now to be called "The Territory of

the United States South of the River Ohio." This government was very simple, consisting of only a chief executive with a secretary and two judges. William Blount, of North Carolina, was made governor. He was of an ancient English family, finely cultured, a man of affairs, and in every way well qualified for the position. His subsequent career marks him as worthy to rank with Robertson and Sevier as one of the most prominent figures in our early history. He fixed the seat of his government first at Rogersville, and finally at Knoxville. His administration was characterized by a distinguished dignity, but noted for no remarkable event except that the Indian question was managed well and an end made to all depredations.

28. The Cherokee Indians, at an early period, began to repel the approach of the settlers. Many of the Indian villages were situated in the river valleys in the southeast part of the State. The Indians were active warriors and gave the whites much trouble during the period of settlement. Encroachments on their lands were stoutly resisted. The instigation of Spanish, French, and British emissaries, together with outrages perpetrated by irresponsible whites at various times, had a great deal to do with increasing strife and bringing on war. Much of the contest was carried on by small parties who attacked lonely settlers and committed depredations. By successive defeats and treaties, the lands of the Indians were absorbed by the whites, until most of the tribe was finally removed, in 1837-38, to new lands west of the Mississippi, where they have been civilized and now live peacefully on their reservation in the Indian Territory.

29. Separatist Movement.—The people west of the mountains were so remote from their parent colonies that a feeling of estrangement and independence naturally arose. After the Revolutionary war this feeling was strengthened, especially in the southwest, by a supposed conflict of interests. Trade on the western rivers naturally

tended to New Orleans, but it was shut out by the Spaniards who held all the lower Mississippi. The general government, under the Articles of Confederation, was inefficient, and the National spirit was weak. All Federal policy was in a formative state, and the future seemed uncertain. The older colonies—now become States—particularly those of the north and east, were jealous of the rising power in the west, and opposed any measure favoring development in that quarter. The self-interest of the West was thus appealed to. Designing leaders suggested an independent republic or an alliance with some foreign power. This led to intrigues on the part of Great Britain, France, and Spain, especially the last, which continued until the navigation of the Mississippi was opened to the United States by a treaty with Spain signed at Madrid in 1795. The cause being thus removed, agitation of the question ceased. Tennessee had her share in the controversy, but, while certain leaders may have become disaffected, the masses of the people never swerved from loyalty and patriotic devotion to their country.



CHAPTER VII.

EARLY HISTORY AS A STATE.

30. Admitted to the Union.—The first territorial assembly met at Knoxville in 1794. At a call session, the next year, steps toward a State organization were taken. A census showed the requisite population (60,000), the total number now being sixty-seven thousand free white people, and ten thousand slaves. A convention met at Knoxville in January, 1796, and adopted a State constitution. John Sevier was elected governor, and the first legislature met

the 28th of March. Ex-Governor Blount and William Cocke were sent to the United State Senate. Andrew Jackson was elected Representative in Congress. After some quibbling and delay in Congress, Tennessee was admitted into the Union on June 1, 1796.

31. The New State Constitution was taken, with but little change, from the constitution of North Carolina. Some of its features would now be objectionable. The people were distrusted. They elected comparatively few officers. The legislature was given too much power. It appointed judges, attorneys for the State, and justices of the peace. The county courts elected sheriffs, coroners, trustees, and constables. Clerks of courts were selected by judges. Property qualifications were required to the extent that a legislator must possess two hundred acres of land; the governor, five hundred; and none but freeholders could vote without having lived in the county six months. There was also a questionable principle of taxation which required that no one hundred acres of land should be taxed more than another. Most of the unsatisfactory features were eliminated by the constitutional revision of 1834, but the people did not elect their judges till 1853.

32. The First Governors.—Sevier was the first governor of the State, and the people's favorite. His election had been without opposition. No issues of great importance characterized his administration. He served the full limit of three successive terms and was followed by Archibald Roane in 1801. At the end of Roane's term, Sevier was again elected, serving, in successive terms, till 1809. In 1815 he was sent by President Madison on a mission to the Creek Nation in Alabama, where he died. His remains were removed to Knoxville in 1889, and deposited under a beautiful monument in the court-house square. Sevier was succeeded, in 1809, by Willie¹ Blount, a half-brother

¹ Pronounced Wylie.

of Governor William Blount. The family name, with his general popularity and conservative character, retained him in the position to the full limit of six years. From 1815 to 1821, Joseph McMinn was the State's chief executive. He had been a Revolutionary soldier, and was a plain, hard-working man of the people, though well educated and possessed of an uncommon amount of good, practical sense. A recent legislature appropriated three hundred dollars to mark his long-neglected grave in the little town of Calhoun on the Hiwassee river.

33. Development.—During the first few years of its history, the new State showed a wonderful increase in population. As the Indian title to lands was extinguished, immigration flowed in and settled the best portions. The census of 1800 showed over one hundred and five thousand inhabitants. In 1810 this number was more than doubled. In 1820 it had been quadrupled. With population came increase in civilization and the arts. Towns were built. Better houses were constructed. Roads were opened and improved. Churches and schools were established. Frontier manners and dress gradually disappeared. Social distinctions became more marked. There was a great increase of domestic comforts, and even luxury began to appear. While industry was almost exclusively agricultural, the germs of manufactures were planted. A great spirit for public improvements and better means of communication, travel, and trade was developed. Steamboats were on the Mississippi in 1812 and at Nashville in 1818. The first bank had been established in Nashville in 1807, but there was a continual demand for more money, and other banking institutions followed. Tennessee soon became one of the growing and prosperous States.

34. Land Grants.—The first settlements in Tennessee began too early to receive any benefit from the system of land survey inaugurated by the National government, in 1785. Based on the regular parallels and meridians of the

locality, this plan secured a perfect division of all the lands into sections which could be definitely located.¹ All the western country was afterwards divided up in this way, but the first pioneers who crossed the mountains made their entries without any system, following streams and marking the trees. Others came later and often, ignorantly, overlapped prior claims. Intervening spaces were frequently left without claimants and much confusion was the result. These conflicting claims, especially in the mountain districts, where the cheapness of the land for a long time caused lack of attention to perfect titles, have resulted in numerous costly and perplexing lawsuits. The frequent changes of government also contributed to a confusion of grants.

35. War of 1812.—Tennessee took part in the War of 1812 mainly through the conquest of the Creek Indians and the defeat of the British at New Orleans. The Creeks were a tribe of warlike character who occupied lands in Alabama and Georgia. Acting under the influence of British agents, Tecumseh, a noted Shawnee chief, conceived the bold design of uniting all the Indian tribes for the complete destruction of the American settlers. A large part of the Creek Nation, under their chief, Red Eagle, joined in the attempt, and, at once attacking Fort Mims, slaughtered its occupants. General Andrew Jackson, responding to the call for troops, marched into the Indian country, and after a series of brilliant engagements terminating in the battle of the Horseshoe, completely subdued the hostile savages. These events occurred in 1813-14. After some minor operations against the British and Spaniards in West Florida, Jackson marched to the defense of New Orleans. There he found affairs in disorder, but, after the arrival of a new body of Tennessee troops, he made himself master of the situation and gained his brilliant victory in the battle of New Orleans, January

¹ See Thorpe's *Course in Civil Government*, chapter XIII., page 127.

8, 1815. The battle was fought after peace had been declared.



CHAPTER VIII.

INTERMEDIATE STATE HISTORY.

36. Governors of this Period.—William Carroll, the great reformer and friend of the people, was governor from 1821 to 1827. He had come from Pennsylvania in 1810, and started at Nashville the first nail store in Tennessee. He fought in the war of 1812, and afterward owned the first steamboat that came up the Cumberland river. At his first election he received an overwhelming majority and, for the second and third terms, there was no opposition. Sam Houston became governor in 1827. He was eloquent, popular, and commanding. In 1829 he resigned the governorship and mysteriously left the State for a life among the Indians in the West. Afterwards he became famous in the history of Texas. William Hall, speaker of the senate, filled out the few remaining months of his term. William Carroll was then again elected without opposition for three successive terms, serving from 1829 to 1835. He was thus governor for twelve years. Newton Cannon, the first Whig governor, was elected for two terms and served from 1835 to 1839. Now followed the series of pitched battles between the Whig and the Democratic parties, the latter elevating James K. Polk to the governorship from 1839 to 1841, and the Whigs returning with James C. Jones from 1841 to 1845. The Democrats then placed Aaron V. Brown in the chair from 1845 to 1847 and the Whigs followed with Neill S. Brown from 1847 to 1849, only to be again superseded by their opponents with William Trousdale from 1849 to 1851. Then came William

B. Campbell, the last Whig governor, who served from 1851 to 1853. The Democrats were now in the lead till the Civil War, electing Andrew Johnson for two terms and then Isham G. Harris for three terms.

37. Internal Improvements.—Early in the century much interest in internal improvements was developed. Roads were to be built, navigable streams opened, and canals, both State and National, were to be constructed. The examples of New York and Pennsylvania were used to arouse enthusiasm. The first State board of internal improvements was appointed in 1830 and \$150,000 appropriated to clean out rivers. Many counties, also, had improvement boards. The constitution of 1834 directed a system of public improvements to be established. In 1836 an act was passed providing that the State, under certain conditions, should take stock in private companies formed to build turnpikes and railroads. Thus the State debt began. In 1836-37 a State bank was formed to further aid internal improvements. The final result was corruption and waste. The financial crash of 1837 called a halt. Governor Polk, in 1841, sounded a note of warning, but the policy continued till after the Civil War. As often occurs in governmental practice, that which was begun in good faith and on more or less reasonable grounds, degenerated into a scheme of corruption and disaster. All State aid was cut off by the constitution of 1870, which says, "The credit of the State shall not be hereafter loaned or be given to, or in aid of, any person, association, company, corporation, or municipality." A present great source of burden to the people is the aid still allowed to be given by counties and municipal corporations.

38. Constitution of 1834.—Free government has been reached only by successive steps. Even after their release from the rule of Britain, the American people were slow in reaching complete liberty. The leaders lacked full faith in the masses. The organic laws of the land showed

this. Our National system of electors to choose a president is an example. Our first State constitution is another. With few exceptions, the people were not trusted to elect their own officials. This, with the life-tenure of judicial officers and the unjust land tax, soon became a serious source of dissatisfaction. Lobbies waited on the legislatures and secured elections, while the people were helpless. William Carroll, one of our greatest governors, espoused the people's cause and led the reform. A number of unworthy judges were impeached. The growth of the State also demanded changes in its organic law. Therefore a constitutional convention was finally called. It met at Nashville, May 19, 1834, and adjourned on the 30th of the next August. This convention revised the constitution and did much to rectify existing evils. It equalized the legislative, executive, and judicial powers of the State government. Taxation was more fairly adjusted. Property qualifications for suffrage and office-holding were abolished. Sheriffs, justices of the peace, and other minor county and district officers were made elective by the people. The terms of judges were limited, though their election was still left to the legislature. The power of granting divorce was transferred from the legislature to the courts. Lotteries could no longer be authorized by legislative favor, and counties were now first divided into civil districts.

39. The Mexican War.—Tennessee took a very active part in the Mexican War. A Tennessee president (Polk) conducted it to a successful issue. When her governor called for twenty-eight hundred volunteers, thirty thousand responded. Several Tennesseans became leaders and gained marked distinction. Among them was Gideon J. Pillow who served under both Scott and Taylor. He was in most of the battles from Vera Cruz to the City of Mexico, was wounded twice, and rose to the rank of Major General. Gen. B. F. Cheatham, Wm. B. Campbell,

Wm. Trousdale, and W. T. Haskall, also rendered distinguished service. The war resulted in a great addition to our National domain.

40. Education was one of the first things to be cared for by the founders of our commonwealth. In 1785 the legislature of the State of Franklin passed an act establishing Martin Academy in Washington county. Rev. Samuel Doak was its first president. This school is said to have been taught by its founder as early as 1780, and was also chartered by the legislature of North Carolina in 1783. It was doubtless the first literary institution established in the Mississippi valley. In 1795 Martin Academy became Washington College. The first Territorial Assembly, in 1794, established a college at Greeneville and also Blount College at Knoxville, which was the beginning of the present University of Tennessee. In 1806 Congress appropriated one hundred thousand acres of land to support two colleges, one in East Tennessee and another in West Tennessee, the latter division then including all the State west of the Cumberland mountains. Blount College united with the first institution to form East Tennessee College. Davidson Academy united with the second, forming Cumberland College. Another one hundred thousand acres was appropriated to found an academy in each county of the State. Public schools proper began with the establishing of school districts in 1830. Nothing more of importance was done till 1845, when a system of local taxation for the support of schools was instituted. City schools were organized in Nashville in 1848 and thus another impetus was given. The public school system was not efficient before the Civil War. In 1867 a State system with a State superintendent was established, but in 1870 common-school education was turned over to the counties. The present permanent and efficient system was established in 1873. Secondary schools were made a part of the system in 1891. Institutes for teachers were generally introduced in 1874.

Education in the State has received much aid from the Peabody fund.¹



CHAPTER IX.

THE CIVIL WAR AND LATER.

41. The Civil War.—Tennessee was very prominent in the Civil War. Early in 1861, a large vote was cast in favor of the Union, but, after the firing upon Fort Sumter, a reaction took place and, on June 8th, the State voted to join the Confederacy. East Tennessee remained in sentiment for the Union and most of her soldiers joined the Federal army. Middle and West Tennessee were as strongly the other way and contributed lavishly in men and resources to the Confederacy. Upon the fall of Fort Donelson, in February, 1862, the Union forces immediately occupied Nashville and Andrew Johnson was appointed military governor. The Battle of Shiloh occurred in April and the Battle of Murfreesboro' in December of the same year. Other important engagements occurred at Chattanooga, Knoxville, Franklin, and Nashville. In February, 1865, amendments to the State constitution were voted, abolishing slavery and annulling the acts of secession. In April the legislature ratified the thirteenth amendment to the Federal constitution and in July, 1866, the fourteenth amendment was ratified. The usual reconstruction troubles followed the war. Prominent political leaders on the Confederate side, during the war and reconstruction periods, were Isham G. Harris, B. F. Cheatham, John C. Brown, and others. Among the Union leaders were Wm. G. Brownlow, Andrew Johnson, and Horace Maynard.

¹ See § 162, page 92.

42. Constitution of 1870.—Another constitutional convention was held in 1870. It was composed largely of the ablest men in the State. Few changes were made in the constitution as it existed at that time. The organization of private corporations was restricted to general laws to be enacted by the General Assembly. The suspension of the writ of *habeas corpus* was made subject to action of the General Assembly, instead of being left to the will of the governor. The restriction to suffrage requiring poll-tax to be paid was incorporated. The homestead exemption was also included, and the State, as already noticed, was barred from further aid to public enterprises in which a private interest exists.

43. Political Parties.—In the early history of the State there was but little political excitement. The followers of Jefferson were in power. They were called *Republicans*, which meant the same as *Democrats* at the present day. They had little or no opposition. The contests for office, at first, were of a purely personal character. Sometimes the friends of rival candidates made a vigorous struggle for the supremacy. The Whigs came into power in 1835 by placing Newton Cannon in the governor's chair. They had challenged the Democrats to battle and the next ten years were noted for the fiercest political contests that have occurred in the history of any State. The governorship went, with the closest majorities, first to one side and then to the other. The Whigs, however, carried the State in every presidential election from Jackson to Buchanan. They elected their last governor, William B. Campbell, in 1851. The Democrats were then in the ascendancy till the Civil war, during which the Republicans came into power. In 1870 the Democrats elected John C. Brown governor and have had the leadership, with little exception, since that time. We may congratulate ourselves that, at present, violent partisanship is passing away and an era of good feeling is being ushered in.

44. Church Organizations.—Tennessee inherited from North Carolina a reverence for sacred things. The fundamental laws of both States have always recognized the truth and obligations of the Christian religion. The separation of Church and State, together with freedom of conscience in worship, has been guaranteed in every constitution adopted. The only restriction is that “no person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this State.”¹

With the first settlers came ministers of the leading denominations, who carried the Bible in one hand and the rifle in the other. In cabin homes, in barns, in school-houses, and under the spreading forest trees, they preached and organized churches. They received little or no remuneration, but earned their own living and bore their part in subduing the great wilderness. Some of the first preachers, representing the leading denominations, were Charles Cummings, Presbyterian; Tidence Lane, Baptist; and Jeremiah Lambert and Benjamin Ogden, Methodists.

In the opening years of this century, great religious revivals arose. Vast congregations assembled in the forests and held what were called camp-meetings. Intense excitement prevailed. The first meetings occurred in the Cumberland settlements.

The Cumberland Presbyterian church originated in Tennessee in connection with the great awakening mentioned, being organized in Dickson county in 1810. The first congregation of the Episcopal church in this State was organized by Rev. James H. Otey at Franklin, in 1827. The Church of the Disciples, or Christian church, appeared in Tennessee about the same time, or perhaps earlier, but increased rapidly after 1830. The Roman Catholic church began its work in the State between 1820 and 1830. The

¹ See Constitution, Art. ix; Sec. 2.

Catholic and the Episcopal churches are confined mainly to the cities. The Lutheran church came with the early immigrants. The Hebrews have had an organization since 1852, when a congregation was formed in Memphis. The leading Protestant denominations are well represented among the colored population.



CHAPTER X.

LAST GOVERNORS AND CONCLUSION.

45. The Last Governors.—The State had two strong war governors—Isham G. Harris at the beginning, favoring the Confederacy, and Andrew Johnson later, and nearly to the close, representing the National government. Johnson served from 1862 to 1865, having been appointed military governor by President Lincoln. He was always a staunch Union man and did much to bring the State back under Federal authority. William G. Brownlow, another prominent Union leader, was elected governor in 1865, and again in 1867, serving till 1869, when he resigned to take a seat in the United States senate. D. W. C. Senter, the speaker of the State senate, finished out the few remaining months of his term, and was also elected for an additional term, serving till 1871. So far, the governors, since the Civil war, had been Republicans. The Democrats now came into power under John C. Brown, an able leader who had risen to the distinction of a major-generalship in the Confederate army. He served two terms from 1871 to 1875, and was followed by James D. Porter who also served two terms, or from 1875 to 1879. The chief executive for the next two years was Albert S. Marks. About this time the settlement of the State debt, upon which the interest had failed to be paid, became an absorbing question in poli-

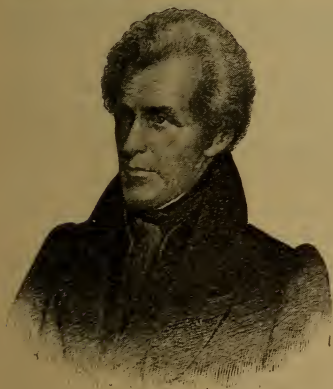
tics. The Democratic party divided into two factions, each putting forth a candidate for governor, and the Republicans elected Alvin Hawkins, who served from 1881 to 1883. The legislature made various attempts to settle the State debt, but it remained a disturbing factor till during the first administration of Governor William B. Bate, who served from 1883 to 1887. Only a part of the bonds were paid in full. From 1887 to 1891, Robert L. Taylor occupied the governor's chair, being followed by John P. Buchanan, who served only one term. Peter Turney has been governor since 1893, being now in his second term.

46. Literature.—Tennessee has produced a reasonable amount of literature. The first book was Adair's "History of the American Indians," published at London in 1775. The earliest historian was Judge John Haywood, who wrote the first history of the State. At a later date (1853) Dr. J. G. M. Ramsey wrote "Annals of Tennessee." The history of Middle Tennessee was written (1859) by A. W. Putnam. Hon. James Phelan has also written (1888) a valuable history of Tennessee. Fiction is well represented by Miss Mary N. Murfree, who, under the name of Charles Egbert Craddock, wrote "In the Tennessee Mountains," and other dialect stories portraying the illiterate mountain character. The work is rather overdrawn for general application. The author of "Little Lord Fauntleroy," Mrs. Frances Hodgson Burnett, began her career as a Tennessean, having written her first important work at Knoxville. Many other minor works have been produced, especially in the line of religious controversy. From early times, and even recently, many books have been published at Knoxville, Nashville, and other points.

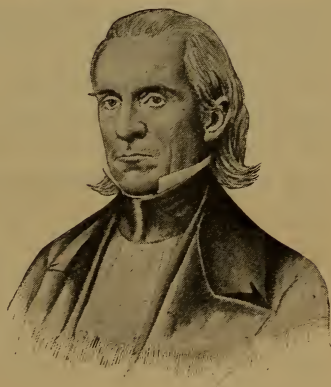
47. Minor Points.—Jonesboro' is the oldest town in the State, having been laid out in 1779. Nashville was founded in 1784 and Knoxville was laid off in lots in 1792, though a number of houses had been erected at an earlier

date. Knoxville was the first capital of the State. The seat of government was afterwards located at Kingston, then at Murfreesboro', and finally at Nashville. The first newspaper in the State, called the *Knoxville Gazette* as it was soon to be issued from Knoxville, was published at Rogersville in 1791. Memphis was founded in 1819. The first penitentiary was built in 1831. Tennessee ranked first among the corn-producing States in 1840. The State-house at Nashville was begun in 1845 and finished in 1855. The Nashville and Chattanooga railway was the first built in Tennessee.

48. Conclusion.—Few States have produced more distinguished men than Tennessee. Her sons have filled honored positions in every walk of life. In the National government they have been distinguished as representatives, senators, justices on the supreme bench, ministers to foreign courts, and cabinet officers. She has given to the country three presidents—Jackson, Polk, and Johnson.

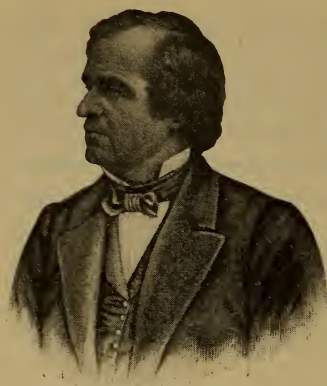


ANDREW JACKSON.



JAMES K. POLK.

Two other distinguished sons—of the purest if not the greatest—were defeated for the Presidency, Hugh L. White in 1836 and John Bell in 1860. Among her greatest governors were Sevier, Carroll, Polk, and Andrew Johnson. A large number of distinguished men in other southern



ANDREW JOHNSON.

and western States have been natives of Tennessee. The most prominent figure in Tennessee history is Andrew Jackson, the man of independent action and iron will.

No other State has a history more interesting than Tennessee. In the short space of one hundred and twenty-five years her territory has been changed from a wilderness to that of a populous and powerful com-

monwealth. She has passed through as many vicissitudes of government as we should expect to find in some of the oldest monarchies of Europe. In all great National questions she has taken a prominent part and exerted a controlling influence. Her people have been noted for their independence and love of liberty. They have decided convictions and place the integrity of their country above every other consideration. In every great war, her soldiers have been found fighting bravely in the thickest of the battle. The sons and daughters of Tennessee may well be proud of their State.

NOTED EVENTS IN TENNESSEE HISTORY.

- 1541. The Spaniards under De Soto discover the Mississippi river near Memphis, being the first Europeans to touch Tennessee soil.
- 1606. James I. grants Virginia, including Tennessee territory, to the London Company.
- 1663. Charles II. grants, to Clarendon and others, territory including all of Tennessee except the northern part, which was added later.
- 1682. La Salle builds Fort Prud'homme, near the present site of Memphis.
- 1690. Doherty trades with the Indians in the Cherokee country.
- 1714. Charleville builds a French trading-post on the site of the present city of Nashville.
- 1730. Adair trades with the Indians in the Tennessee country.
- 1740. Few people live west of Amelia county, Virginia. Last hunter's cabin to the west is in Bedford county, Virginia.
- 1748. Dr. Thomas Walker's expedition into Tennessee; Cumberland river, gap, and mountains named.
- 1754. Six families live west of New River, Virginia.
- 1756. Fort Loudon is built on the Little Tennessee river, an outpost in the great wilderness.
- 1761. Wallen and hunting party name Wallen's Ridge.
- 1769. First settlement on the Watauga river.
- 1772. The Watauga Government is formed.
- 1776. Watauga is annexed to North Carolina. Population about six hundred.
- 1779. Jonesboro', the first town in the State, is laid out.

- 1780. Watauga soldiers help win the battle of King's Mountain.
- 1780. The Cumberland country is settled by Robertson and "The Compact of Government" formed.
- 1780. The first school in the Mississippi valley was established about this time at Salem, in Washington county, by Dr. Samuel Doak.
- 1783. Dr. Doak's school incorporated as Martin Academy by the North Carolina legislature.
- 1784. The "State of Franklin" formed. Also Nashville founded.
- 1790. North Carolina cedes her territory west of the Alleghanies to the United States.
- 1790. "The Territory South of the River Ohio" established and William Blount appointed governor.
- 1791. The *Knoxville Gazette*, the first newspaper in the State, published at Rogersville, but with a view to being transferred to Knoxville.
- 1792. Knoxville laid out by James White, only a few houses having been previously built.
- 1794. First territorial assembly meets at Knoxville. Blount College, the origin of the University of Tennessee, established.
- 1795. Navigation of the Mississippi river opened by Spain to the United States.
- 1796. State constitution adopted and Tennessee admitted into the Union.
- 1806. Congress appropriates two hundred thousand acres of land to establish colleges and academies in Tennessee.
- 1807. First bank in the State is established at Nashville.
- 1814. Jackson subdues the Creek Indians in the battle of the Horseshoe.
- 1815. John Sevier dies while on a mission among the Creek Indians in Alabama.
- 1815. Jackson defeats the British at New Orleans.
- 1818. First steamboat at Nashville.
- 1819. Memphis is founded.
- 1829-1837. Andrew Jackson is President of the United States.
- 1830. Public schools are established.
- 1830. First State board of internal improvements is appointed.
- 1831. First State penitentiary is built.
- 1834. Convention meets at Nashville and forms a new State constitution.

1835. Whig party comes into power in the State by electing Newton Cannon governor.
1839. Chattanooga is laid out.
- 1845-1849. James K. Polk is President of the United States.
1851. William B. Campbell, the last Whig governor, is elected.
1855. The State capitol building at Nashville is finished.
1861. Tennessee votes to join the Confederacy.
1862. Fall of Fort Henry and Fort Donelson and occupation of Nashville by the Federals.
1862. Battle of Shiloh, or Pittsburg Landing.
- 1862-63. Battle of Murfreesboro'.
1863. Siege of Knoxville. Battles of Missionary Ridge and Look-out Mountain.
1864. Battle of Franklin. Battle of Nashville.
1865. State restored to the Union and slavery abolished.
- 1865-1869. Andrew Johnson is President of the United States.
1870. Convention meets at Nashville and forms the present State constitution.
1873. Present State school system is established.
1889. John Sevier's remains removed from Alabama to Knoxville.
1891. State secondary schools are established.



THE GREAT SEAL OF TENNESSEE.

PART II.

THE CIVIL GOVERNMENT OF TENNESSEE.



CHAPTER XI.

THE PRESENT GOVERNMENT OF THE STATE.

49. Tennessee is one of the States of the American Union and is a component part of the Nation. It has independent powers, excepting those given over to the general government, as set forth in the Federal constitution. The jurisdiction of the State is co-extensive with its boundaries. Tennessee is represented in the National congress by two senators and ten representatives.

50. The Present Constitution of Tennessee was formed by the convention of 1870. It consists of a preamble, eleven articles, and a schedule. The preamble recites the fact that former constitutions had been adopted and gives the authority by which the convention for the present revision (1870) was assembled. Article first contains a declaration of rights. Article second treats of the distribution of powers into three distinct departments;

namely, the legislative, the executive, and the judicial. It also gives in detail the nature and scope of the legislative department. The remaining articles are as follows: 3. Executive Department; 4. Elections; 5. Impeachments; 6. Judicial Department; 7. State and County Officers; 8. Militia; 9. Disqualifications; 10. Oaths, Bribery of Electors, New Counties; 11. Miscellaneous Provisions. The schedule consists mainly of provisions for the proper adjustment of the State government under the new constitution.

51. The Declaration of Rights.—In imitation of old English practice, the framers of our constitution introduced the declaration, or bill, of rights. Its main purpose is to secure inviolate the individual rights of the people. Among these may be mentioned freedom of worship, right of suffrage, freedom of speech, freedom of the press, security in the possession of property, trial by jury, and the privilege of *habeas corpus*.

52. Distribution of Powers.—In despotic countries all power is centered in the monarch. Under free government, as administered in modern times, it has been found necessary to have three distinct departments,—the legislative, the executive, and the judicial. This principle was first brought out clearly in our Federal and early State constitutions, and it has since been adopted in the later State constitutions. In this way one branch of the government acts as a check against the others and secures the people against the possible tyranny of a concentration of powers. Thus, in Tennessee, the governor may check bad legislation by a veto, and he may, by pardon, protect citizens from erroneous and unjust decisions of the courts. On the other hand, the supreme court may declare unconstitutional and void any unauthorized law enacted by the legislative department; and the latter may impeach, try, and remove from office the governor and supreme judges for an unconstitutional assumption of power.

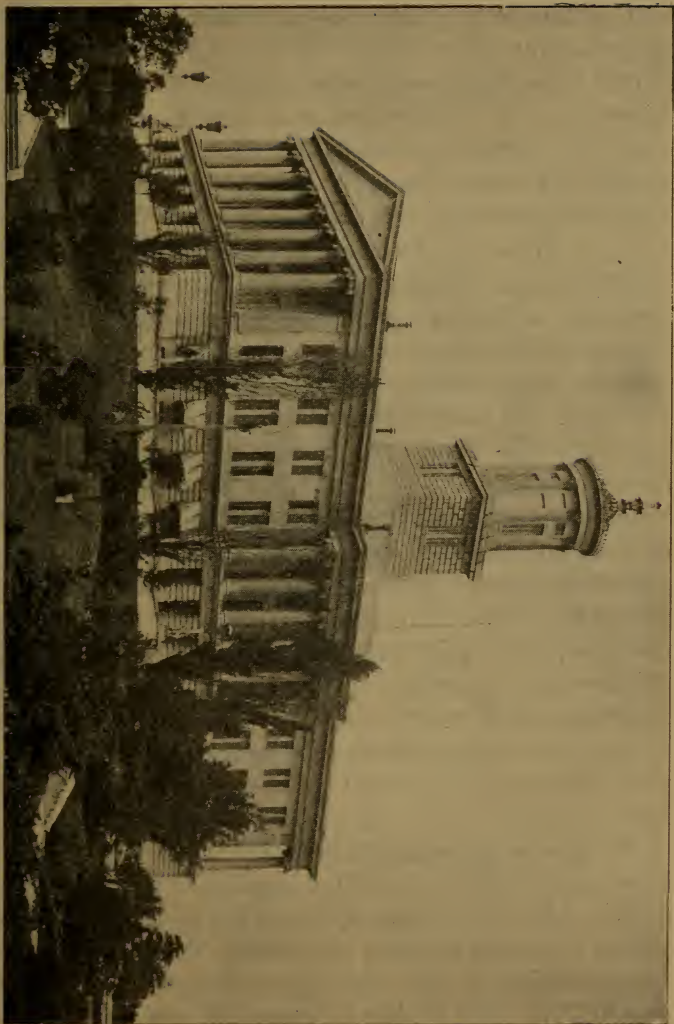
CHAPTER XII.

THE LEGISLATIVE DEPARTMENT.

53. The Legislative Authority of the State is vested in a General Assembly, which consists of two chambers called respectively the Senate and the House of Representatives.¹ The members are elected every two years, on the first Tuesday after the first Monday in November, and meet in the capitol at Nashville, on the first Monday in January next ensuing the election. Each house determines its own rules of procedure, judges the qualification and election of its own members, and keeps a record of its transactions. Two-thirds of the members of each house constitute a quorum. Members receive for their services four dollars a day and four dollars for every twenty-five miles traveled to and from the seat of government. The pay is for a session of only seventy-five days, or for a call session of only twenty days. No minister of the gospel may become a member of the General Assembly. Duelists, and those who deny the existence of God or a future state of rewards and punishments, may hold no civil office in the State. In case of great emergency the General Assembly may temporarily meet elsewhere in the State than at the capital.

54. The Senate.—The senators are apportioned among the counties according to the number of qualified voters and may not exceed one-third the number of representatives. Each senator must be a citizen of the United States, at least thirty years of age, and a resident of the

¹ The governor shares in legislation through his power to approve, or to veto, a bill. See § 61, page 52.



THE CAPITOL BUILDING AT NASHVILLE.

State for three years and of the county or district for one year previous to election. The Senate, at the present time (1896), consists of thirty-three members. It is the duty of the Senate to pass upon appointments made by the governor, by either confirming them or rejecting them.

55. The Representatives compose what is called the lower house. Their number is now ninety-nine, which number may never be exceeded. They are apportioned according to the number of qualified voters. The qualifications are the same as for senator, except that representatives need be only twenty-one years of age.

56. Scope of State Law.—The Assembly's legislative authority is limited only by the constitution of the United States and the constitution of Tennessee. The State constitution itself contains the fundamental or fixed law of the State. The enactments of the Assembly, or Legislature, constitute the statutory, or changeable, law. State law comes into very close contact with the people. It aims to promote their general welfare by regulating all such matters as the punishment of crime; the support of charity and education; the exercise of suffrage; the methods of court procedure; the government of civil districts, cities, and counties; the buying and selling of property; the rights of private corporations; the executing of notes, deeds, mortgages, and other business paper; the duties of officers; the raising of taxes; the settlement of estates; the maintenance of highways; and other matters of practical life.

57. Mode of Legislation.—Either house may originate bills, which may be amended, rejected, or altered by the other. All bills proposed are either rejected, or, having passed a second reading, are referred to appropriate committees which in due time report them for either passage or rejection. The subject of every bill must appear in its title, nor may a bill embrace more than one subject. This is to prevent the smuggling through of undesirable laws.

Every bill for the special purpose of repealing, annulling, or reviving former laws must clearly state the title, or substance, of those laws. Every bill must be read once, on three different days, and passed at each reading in the house in which it originated before it is sent to the other house, where a like reading and passage are required. After this it receives the signature of both speakers, and, if approved by the governor, it becomes a law. A majority of each house is required in order to pass a bill. At special sessions, only such matters may be considered as were specified in the governor's call convoking the session.

58. Legislative Restrictions.—No bill that has been rejected may be brought up in any form and passed into a law during the same session of the Assembly. No law of a general nature may take effect until forty days after its passage, unless it specifies a different date and states that the public welfare requires it. No General Assembly may make an appropriation extending beyond the term of its existence. No Assembly or convention may act upon a proposed amendment to the United States constitution, if the members of the Assembly or of the convention were elected before the amendment was submitted. No Assembly may pass laws for the special and exclusive benefit of individuals, nor may it provide for organizing private corporations except under a general law. No Assembly may grant divorces, authorize lotteries, or change the names of persons.

59. Officers and Committees.—Each house elects a speaker, or presiding officer, from among its own members. The other principal officers are a chief clerk and an assistant clerk, who keep a record of the proceedings, a journal clerk, an engrossing clerk, a chaplain, a sergeant-at-arms, and a door-keeper. Standing committees are appointed for all the usual subjects upon which legislation is had. These generally number about thirty. No special committee may be appointed when there is a standing committee on

the same subject. Members of committees receive additional pay for extra services.

60. Impeachments.—If the higher State officers, such as the governor, the judges of the courts, the State treasurer, etc., are guilty of crime in their official capacity, they may be impeached, and, if found guilty, they are removed from office and disqualified from holding office in the future. Other civil officers, for official crimes and misdemeanors, may be indicted and tried by the courts.

The power to institute an impeachment belongs to the House of Representatives alone. All impeachments are tried by the Senate. When a case of impeachment is tried, the chief-justice presides, and a vote of two-thirds of the whole number of senators sworn to try the impeachment is required to convict.

CHAPTER XIII.

THE EXECUTIVE DEPARTMENT.

61. The Governor.—The supreme executive officer of the State is the governor. He is to the State what the president is to the Nation. His power, however, is not so great as that of the president. He has no cabinet. Most of the State officers, whom we might expect to belong to the governor's cabinet, are elected by the Legislature. The governor is elected by the qualified voters at the time when they elect members of the General Assembly. He is chosen to serve for two years and receives a salary of \$4000 annually. He must be a citizen of the United States, must be at least thirty years of age, and must have been a citizen of the State for at least seven years. He is commander-in-chief of the active militia¹ of the State, known as the National Guard, State of Tennessee, or Army of Tennessee, which he may call upon to repel invasion or to suppress insurrection. He may, also, for a like purpose, summon to his aid the sheriff of any county accompanied by a designated number of citizens. The governor has great freedom with regard to the pardoning power and is sometimes censured for its too liberal exercise. It is his duty to see that all laws are faithfully executed, to convoke the Legislature in special session when necessary, and to suggest to that body important matters for its consideration. In case of his death or removal, the speaker of the Senate succeeds him. If that officer should be removed,

¹ When called into the actual service of the National government, the State militia is under the president's command. See U. S. constitution, Art. II., Sec. 2.

the speaker of the House succeeds. The great seal of the State is in the governor's keeping, to be used by him officially, or under his direction to be used by the secretary of state. The governor's signature is necessary to the passage of every law, but he may veto any bill which seems to him not for the public good. Yet a majority of the whole number of members elected to each house of the Assembly may pass an act over his veto. A bill may also become a law without the governor's signature, if he delays his veto beyond five days (Sunday excepted) after the bill has been presented to him, provided the Legislature does not in the meantime adjourn. In case of a vacancy, the governor fills certain offices by appointment till an election can be held. The patronage of the governor has in recent years been considerably increased by the appointment of various inspectors and other State officials. The governor is allowed a private secretary at a salary of \$1500¹ *per annum*.

62. The Secretary of State is elected by a joint vote of the General Assembly and serves for four years. He keeps a record of all the official acts of the governor, and when required he must lay the same, with all papers, minutes, and vouchers relating thereto, before the General Assembly. It is his duty also to keep bound, and on file in his office, the original acts and resolutions of the General Assembly, and to have attested copies printed. He is required to publish the official acts of the Assembly in one newspaper printed in each grand division of the State. He sees that public officers file in his office their bonds to the State; makes out all commissions issued by the governor, and affixes to them the seal of the State after they have received the governor's signature. He also seals such other instruments as the governor authorizes. He compares election returns, publishes a list of corporations, distributes

¹Salaries are often changed by Legislatures in making appropriations.

public documents, and is *ex officio* a trustee of the University of Tennessee. His salary is \$3000 *per annum*.

63. The Comptroller is elected by the General Assembly and serves for two years. He must keep his office at the capitol. It is his duty to audit all claims against the State and to order their payment when approved. He furnishes assessment blanks to county clerks, arranges for the collection of revenue in the various counties and keeps all necessary accounts regarding the same. It is his duty to apportion the school fund among the counties, and to look after the general finances of the State. He also collects delinquent taxes, through an appointee in each county called the back-tax attorney, and he appoints five revenue agents whose duty it is to examine the records of all county officials who collect State revenue. He reports all his acts to the General Assembly. His salary is \$3500 *per annum*.

64. The State Treasurer is elected by the General Assembly and serves for two years. He receives and pays out, on order of the comptroller, all State moneys which come in as taxes or otherwise. He is required to make a careful record of all his financial accounts and report to the governor. His salary is \$3500 *per annum*. He also discharges the duties of insurance commissioner and building and loan inspector, for which he receives a salary of \$1500 *per annum*. The State treasurer and the comptroller are intended to act as checks upon each other.

65. An Assayer to make an analysis of ores, the law provides, shall be appointed by the governor to serve for a term of two years, but this appointment is rarely or never made. The governor appoints a superintendent of the capitol and guards, who serve during his pleasure. He also appoints an inspector of illuminating oils in each town of more than one thousand inhabitants.

66. The State Geologist and Mineralogist is appointed by the governor with the concurrence of the

Senate, and serves for two years. It is his duty to make topographical, geological, and mineralogical surveys of the State with a view to developing its mineral resources. At present he is required to devote but a small portion of his time to the work and is paid only \$500 *per annum*.

67. The State Librarian, elected by the General Assembly, has charge of the State library which is located in the capitol building. The term of office is for two years and the salary, \$1000. Women are eligible, and usually a woman is elected to this office. The librarian may employ a suitable assistant at a salary of \$500.

68. The Bureau of Agriculture is under control of the commissioner of agriculture, who is appointed by the governor with the concurrence of the Senate, to serve for two years. His office is in the capitol. He receives \$2500 *per annum*, including traveling expenses not exceeding \$800. He is allowed a clerk with \$1350 salary and may appoint one assistant for each grand division of the State. He appoints, also, with the governor's consent, not more than three inspectors of fertilizers, a geologist, and a chemist. It is his duty to make a collection of the State's agricultural products for his office, to direct the analysis of fertilizers offered for sale in the State, to provide for the study of insects injurious to vegetation, and the diseases of crops in the State. He collects statistics of the shipment of products, the extent of manufactures, and the facilities for the same. He is required to print reports of his work, to publish accounts of the State's resources, and to encourage immigration.

69. The Inspectors of Fertilizers serve at the pleasure of the commissioner of agriculture. They are required to inspect all fertilizers offered for sale and to take specimens of the same; each inspector receiving for his services not more than one-third of the fees collected by him, and in no case more than \$1000 *per annum*. The specimens of fertilizers collected are turned over to the experiment station

of the University of Tennessee, or to some competent chemist, to be analyzed, tested, and reported, for the benefit of agriculture. The inspection fee is fifty cents for each ton of fertilizers sold or shipped into the State. The cost of inspection and analysis must be paid from this fund. The balance goes to a fund for the support of the bureau of agriculture. All fertilizers sold in the State must bear the tag of the commissioner of agriculture showing their contents, which must be of a certain character prescribed by the commissioner.

70. The Bureau of Labor and Mining Statistics is under the control of an officer called "The Commissioner of the Bureau of Labor, Statistics, and Mines." He is appointed by the governor, with the approval of the Senate, and serves for two years. His office is in the capitol and his salary is \$1800 *per annum* with traveling expenses. He has one clerk with a salary of \$1200. The commissioner must be a practical miner with not less than five years' experience. His duty is to collect labor and mining statistics and especially such as relate to the laboring classes. He is required to keep maps and plans of the mines of the State, and to inspect mines, mills, and factories, in order to see that life is protected and that the law regulating such industries is complied with. He reports to the governor annually and to the General Assembly.

71. The State Board of Health consists of seven members, five of whom must be practicing physicians. They serve for five years and fill their own vacancies, with the governor's advice and consent. The original appointments were made by the governor. The board meets quarterly at Nashville and has a general care for the health of the State. In case of epidemics, it has power to establish quarantine. This power extends to the control of communicable diseases among domestic animals, which may be killed to prevent the spread of the disease. Upon nomi-

nation by this board, the governor appoints a State veterinary surgeon to serve for five years.

72. The State Board of Medical Examiners is appointed by the governor, and consists of six physicians who are graduates of reputable medical colleges, the three principal schools of medicine being represented. It is required that two members of the board shall be selected from each of the three grand divisions of the State. They serve for six years. It is the duty of the board to pass upon the qualification of all persons who desire to become medical practitioners. No person may practice medicine or surgery in Tennessee without a certificate from this board. Qualification is determined by an examination, or by the applicant's diploma received from some medical college in good standing. Every physician is required, before practicing, to have his certificate registered in the office of the clerk of the county in which he resides. The board meets once in each year. Its members may each receive as compensation ten dollars a day and expenses paid out of the treasury of the board, which is replenished only by fees received for examinations and for certificates.

73. The State Board of Pharmacy, consisting of five members, is appointed by the governor, to serve for five years. Its chief duty is to pass upon the qualification of all persons who desire to practice pharmacy, and to issue to them a certificate when they are found competent. No drug house in any incorporated town of the State may compound prescriptions except through a registered pharmacist who bears from the State board a certificate which is registered annually. Outside of incorporated towns the restriction does not apply. The board meets every year at Nashville. Its members are paid five dollars a day and expenses from a fund derived from fees for examinations and certificates and from fines for a violation of the law regulating pharmacy.

74. The Board of State Charities consists of six per-

sons appointed by the governor, not more than four of whom may belong to the same political party. They receive no salary and serve for three years. It is their duty to investigate the system of State charities and correctional institutions, especially prisons, jails, infirmaries, public hospitals, and asylums. They examine all plans for new jails, public infirmaries, and hospitals, and give suggestions to local authorities regarding the same.

75. The State Militia.—All able-bodied men in Tennessee between the ages of eighteen and forty-five years, unless legally exempted, are subject to military duty and are called "Tennessee State Militia." An active militia, with regular army organization, is also provided and called the "National Guard, State of Tennessee," or "Army of Tennessee." The governor, as commander-in-chief of the State forces, has a staff composed of an adjutant-general, who is chief of staff, an inspector-general, a quartermaster and commissary-general, a surgeon-general, a judge-advocate general, and an inspector of rifle practice, the rank of each being brigadier-general. There is also an aid, with the rank of colonel, from each congressional district. It is the duty of the adjutant-general to transmit all orders of the commander-in-chief, to keep records, to have charge of the State armory and flags, and to make a full report to the commander-in-chief every two years, on or before the meeting of the General Assembly. He must live at the State capital. His salary is \$1800 *per annum*. The duties of the other officials are indicated by their names. The general regulations and tactics of the National Guard conform to those of the United States army. The pay when in actual service is the same as that of officers and enlisted men in the United States army.

Note: The duties of the State Superintendent of Public Instruction are described in the chapter on Education, § 152, page 89.

CHAPTER XIV.

THE JUDICIAL DEPARTMENT.

76. The Judicial Power of the State is vested in a supreme court and in such inferior circuit, chancery, and other courts as the Legislature may establish. Municipal courts and justices' courts are also provided for. All courts, except those of justices of the peace and municipalities, hold their sessions at the county court-house, unless impracticable or inconvenient, in which cases any other room in the county town may be occupied. Except by consent of parties, no judge can try a case in which he is interested, in which he has been an attorney, or in which he is related to either party by consanguinity or affinity, to the sixth degree. Every court has power to enforce order, to punish for contempt, and to compel obedience to its judgments, orders, and processes. Minutes of the proceedings must be read in open court each morning and signed by the judge.

77. The Supreme Court consists of five judges, one of whom is designated by themselves as chief justice. They are elected by the qualified voters for a term of eight years. They must be at least thirty-five years of age and must have been residents of the State for at least five years. Three of the judges must concur in every decision. The business of this court is to hear appeals from lower courts. The court holds its sessions at Knoxville, Nashville, and Jackson respectively. The salary of a supreme judge is \$3500 *per annum*.

78. Court of Chancery Appeals.—On account of the great increase of business in the supreme court, the General Assembly has established a court of chancery appeals, which

has jurisdiction over equity cases appealed from the lower courts. Its decisions are final, except on questions of law, which may be carried to the supreme court. This court has three judges—one from each grand division of the State—and their salaries are the same as the salaries of the supreme judges. Those first elected were to serve until the general election of 1896, after which the term is eight years. The court holds annual sessions at Nashville, Knoxville, and Jackson. Sessions may also be held at Memphis and Chattanooga.

79. Attorney-General and Reporter.—This officer is elected by the judges of the State supreme court. His term of office is eight years. His salary is \$3000 *per annum* with the addition of all copyright profit for five years on his reports. It is his duty to conduct all the State's business in the supreme and Federal courts; to give legal advice to State officers, when desired, and to attend to other matters required by law. He also reports and publishes the decisions given in cases that come before the supreme court, when new points of law are decided, or when he is directed by the court to do so. These decisions serve as precedents for future cases of like character.

80. Circuit Courts.—For the proper administration of justice the State is divided into nineteen circuits, in each of which courts are provided at suitable points. For each circuit the qualified voters elect a judge to serve for eight years. He must be at least thirty years of age and a resident of the State for five years and of the circuit for one year. His salary is \$2500 *per annum*. Cases may originate in the circuit court, or may come up by appeal from justices of the peace. This court tries both civil and criminal suits, except in the larger counties. Its action is based upon the common law, and hence it is called a law court as distinguished from the chancery or equity courts.

81. Chancery Courts.—Equity proceedings in Tennessee are provided for in courts which are separate from the

law courts and are called chancery courts. In these courts a case is tried on its merit, or equity, rather than on the formal demands of the law as in the law courts. Both these forms of judicial procedure were inherited from North Carolina, but they originated at an early period in English history. The law courts were based upon the common law of England, while equity proceedings were founded on the Roman civil law as interpreted by the king's chancellor, or chief adviser, who was generally a Roman priest to whom cases in equity were referred. In chancery proceedings a jury is rarely called (never, except to pass on questions of fact) and the usual object is to redress some wrong not reached by the common law. Most States unite the two systems in the same court. The judicial officer in a chancery court is called chancellor. His qualifications, election, salary, and term of office are the same as for circuit judges. There are twelve chancellors in the State who hold courts in a like number of chancery divisions.

82. Criminal Courts.—In many of the more populous counties, civil and criminal procedure are separated. Civil suits are tried in the circuit court, while a special criminal court is provided to take charge of all criminal cases. The judges of the criminal courts must have the qualifications required of judges of other courts. The salary is in most cases \$2500 *per annum*.

83. County Courts.—The county court in Tennessee is peculiar in its character. Its powers are ministerial, judicial, and legislative. It is made up of the justices of the county and meets quarterly in January, April, July, and October. Some of the larger counties have judges; otherwise a chairman presides. The duties of the court are too numerous to be given in detail. It has original jurisdiction in the settlement of insolvent estates, the probate of wills, the appointment of guardians for minors, and many like matters. In certain cases, it also has concurrent jurisdiction with the chancery and circuit courts. It

levies county taxes and appropriates moneys for all county purposes.

84. Court Clerks.—Each of the various courts has a clerk whose duty it is to keep a record of all the court's proceedings and to perform such other duties as may be required by law. The supreme court has one clerk for each grand division of the State, appointed by the supreme judges to serve for six years. He also acts as clerk for the court of chancery appeals. The chancery court clerk is appointed by the chancellor to serve for six years. He is called clerk and master. The clerks of county, circuit, criminal, and special courts are elected for four years by the qualified voters under their jurisdiction. All clerks are paid by fees which are prescribed by law. The county court clerk has many additional duties which bring him in close contact with the people. He issues marriage licenses, qualifies and settles with administrators of estates, settles with guardians of minor heirs, takes the acknowledgment of deeds and other instruments entitled to registration, and receives the tax thereon, keeps a record of all appropriations made by the county court, and performs such other duties as are required of him by law.

85. Justices' Courts.—Justices of the peace are elected by the civil districts, but the jurisdiction of their courts reaches over the whole county, and extends, in civil cases, to one thousand dollars on notes of hand; to accounts not over five hundred dollars, and they may decide, on equity principles, cases involving less than fifty dollars. Jurisdiction is also had in petty criminal cases. Fine or imprisonment may be imposed for misdemeanors, but in all felony cases, the offender, if guilty, is bound over for trial at the next term of the criminal or circuit court.

86. Municipal Courts.—In incorporated towns, the recorder, and sometimes the mayor, holds a police court for the trial of offenses against city ordinances. He has

concurrent jurisdiction with justices of the peace in criminal offenses against the State or the municipality.

87. District Attorney.—The district attorney, or attorney general for the judicial circuit, is elected by the qualified voters to serve for eight years. It is his duty to conduct State prosecutions in criminal cases, to proceed against public officers in case of delinquency, and in numerous ways to protect and defend the State's interest. He is paid by the State and his remuneration is in proportion to the number of prosecutions and convictions.

CHAPTER XV.

STATE AND COUNTY INSTITUTIONS.

88. Asylum for the Insane.—The State has three asylums for the insane—the first at Nashville for Middle Tennessee, the second at Knoxville for East Tennessee, and a third at Bolivar for West Tennessee. Each has corporate powers and is organized under a board of trustees who elect a superintendent and direct the general management of the institution.

89. School for the Blind.—This institution is located at Nashville. Its organization is similar to that of the insane asylums. The studies pursued are such as are usually taught to young persons. The pupils are also taught such trades and handicrafts as they can practice to advantage.

90. Deaf and Dumb School.—This similarly organized school is located at Knoxville. It is established for the purpose of educating the deaf mutes of the State, who are admitted free of charge. Instruction is given in the sign language, in literary studies, and in such trades as may be useful.

91. Confederate Soldiers' Home.—The "Hermitage," the former home of Andrew Jackson, being the property of the State, has been, with the exception of twenty-five acres containing the tomb and mansion, set apart as a home for indigent and disabled State and Confederate soldiers and their widows and orphan children. Those admitted must come from the congressional districts according to population. The institution is supported by about five hundred acres of the Hermitage lands and by liberal appropriations from the State Legislature.

92. The State Penitentiary.—Persons convicted of crimes against the State of the grade of felony¹ are usually confined in the penitentiary at Nashville, where the prisoner is kept at hard labor. For some years the convicts were leased to private parties who employed them in manufactories, mines, and public works. A new penitentiary is now (1896) being built near Nashville, and the State has purchased a farm on which prison supplies are to be raised, and coal lands where the convicts may be employed in mines. A board of prison commissioners has control of the penitentiary and all that pertains to it. The prisoners are kept at work in the State mines and prisons, or on the farm, and, in case employment can not be thus furnished, the board may lease them. The institution is intended to be reformatory in character. Prisoners sometimes learn a useful trade and by their good conduct may have their time of sentence shortened. Each prisoner is furnished with a Bible, which he is allowed to read in his cell.

93. Jails.—Every county has, at the county-seat, a jail for the confinement of prisoners. It is in charge of the sheriff, who may appoint a jailer to serve in his stead. When necessary, guards are employed. The officers are paid by fees.

94. Work-houses.—Any county may establish a work-house, or use its jail for a work-house, in which persons convicted of misdemeanors and minor felonies² may be confined at hard labor. When practicable the prisoners are, by preference, to be worked on the public roads. The work-house is controlled by the county judge (or by the chairman of the county court where there is no judge), and four commissioners who are elected by the county court

¹The State law provides that all crimes punished by imprisonment in the penitentiary, or by infliction of the death penalty, are to be denominated felonies.

²If the felony merits an imprisonment of less than one year in the penitentiary, the punishment may be commuted to a shorter term in the county jail, or to hard labor in the county work-house.

for a term of two years. The commissioners elect a superintendent who has direct charge of the management. Many of the prisoners, having been found guilty of misdemeanors, are committed to the work-house for failing to secure the payment of fines and costs, the amount of which they are required to work out at the rate of forty cents a day. Good conduct secures a shortening of their term of imprisonment.

95. Poor-houses.—Every county has, or may have, an asylum for the indigent who are helpless and friendless. It is managed by three commissioners who are elected by the quarterly county court. It is the duty of the commissioners to provide a farm and proper buildings to accommodate the inmates and a superintendent whom they elect. A physician is also provided. The institution is supported by appropriations from the county court. Assistance may also be given to individual paupers and to benevolent institutions of a private character.

CHAPTER XVI.

HABEAS CORPUS, JURIES, AND COURT PROCEDURE.

96. Habeas Corpus.—The right of *habeas corpus* originated in England at an early date and is still considered one of the most important principles of English and American liberty. It is recognized in the constitution of Tennessee as an inviolate privilege. Its object is to prevent unjust imprisonment. A writ of *habeas corpus* may be obtained from a chancellor, or from a judge of either the circuit, the criminal, or the supreme court. The writ must state that the prisoner is illegally detained and name the party restraining him, and the alleged cause. The imprisoned party is then brought into court, and, if no just cause for detention is found, he is released. Otherwise he is returned to jail to await trial. Our State constitution provides, in its declaration of rights, that “the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the General Assembly shall declare the public safety requires it.”

97. Juries.—Juries are of two kinds—a grand jury and a petit, or trial, jury. The regular juries are appointed by the county court, and, so far as practicable, one juror must come from each civil district. Every male citizen who is a free-holder or a house-holder, and at least twenty-one years of age, unless otherwise disqualified, may serve as a juror. It is the business of the grand jury to pass upon indictments and presentments for crime. The petit jury sits for the hearing of cases and brings in a verdict at the end of the trial. In Tennessee, the grand jury numbers thirteen men and the petit jury twelve. The jury system is another

institution which we have inherited from our early English ancestors. The trial jury has come down through various modifications and is yet in a transition state. The present tendency in Tennessee is to dispense with trial juries and to give their work over to the judges.

98. Suits in Court.—Civil suits are tried in the circuit court, or in the chancery court. If the decision rests on the plain facts of statute and common law, the case generally goes to the circuit court. If more weight is to be given to reason, good conscience, and equity, it more properly goes into chancery. However, there is not now so great a difference as formerly existed between the fundamental principles of the two courts.

In all lawsuits there must be two parties—the plaintiff who brings the suit and the defendant who is sued. Each side is represented by one or more attorneys who are expected to be learned in the law and to conduct the suit in the interest of their clients.

In criminal cases, the entire people of the State are said to be the injured parties, because the peace and dignity of the State have been violated. Hence the State is the plaintiff in a criminal suit, and the accused is the defendant. Criminal cases are tried in the criminal court, in counties in which a criminal court has been established, but otherwise in the circuit court.

99. Action in Circuit Court in Civil Cases is begun by giving bond for the costs and procuring from the clerk a summons to the defendant to appear in court at a day stated. If the party suing is not able to pay the expenses of the suit, he may make affidavit of that fact and procure the summons without bond. This summons must issue at least five days before the sitting of the court. Within the first three days of the term of court, the party suing must file with the clerk a written statement of his cause of action, which statement is called a declaration. Within two days thereafter the party sued must file his written

answer, which is called a plea and which is usually very short. When the declaration and plea have been filed, the case is tried, usually at the next term of court. The judge presides at the trial, and witnesses are put upon the stand and questioned by the attorneys. The attorneys argue the case and the judge delivers, to the jury, his charge, which is a statement of the law of the case. The jury retire from the court-room, consider the case, and report a verdict to the judge. There is usually a motion for a new trial, by the losing party. If the motion is sustained by the judge, the case is tried again, usually at the next term. If it is not sustained, the judge renders judgment, and then the only remedy of the losing party is by appeal to the supreme court.

100. Action in Chancery.—A suit in the chancery court, or court of equity, is always begun by what is called a bill. Usually it is longer and goes more into detail than a declaration in a circuit court. In a circuit court the summons is the beginning of the suit, and, as a rule, it must be taken out before the declaration is filed; but, in a chancery court, the cost bond is given and then the bill is filed, and thereupon the subpoena to answer, which is equivalent to the summons, is issued, requiring the defendant to appear in court on a day fixed. The usual method of defense is called the answer, because in it the defendant answers all the charges made against him in the bill. When the answer has been filed, the proof is taken, and, almost invariably, it is in the form of depositions, that is to say, written questions by the lawyers and written answers by the witnesses. These depositions are read to the chancellor, and on them he decides the facts of the case and applies the law. Sometimes, but not often, a jury is called in the chancery court. The chancellor, when he has decided a case, renders what is called a decree, which is the equivalent of a judgment in the circuit court.

101. Criminal Cases.—When a crime is committed, a

warrant may be procured to bring the offender before a justice of the peace, who hears the evidence, and, if he adjudges the party prospectively guilty, he binds him over to the criminal court, (or to the circuit court, in counties where there is no criminal court,) to be tried at the next term. The prisoner may give bail, unless he is evidently guilty of a capital offense. If he is confined in jail, he or his friends may apply for a writ of *habeas corpus* to test the justice of his imprisonment. If, upon investigation, the commitment is found to have been irregular, he is released, or, if the bail is excessive, it may be reduced by the trial judge; otherwise the prisoner is sent back to jail to await the action of the grand jury at the regular session of the court.

In all criminal procedure in court, the person accused is first indicted before a grand jury, who return "a true bill," if the party is prospectively guilty. If he has not already been brought before a justice of the peace, a *capias* then issues from the court and he is arrested. If the crime is not a capital offense, he may give bail; otherwise he is committed to jail to await his trial.

When brought to trial, if the prisoner has no counsel to conduct his case, the court assigns him counsel. He has the right to trial by a jury, which his counsel selects carefully. The counsel's proper duty is to see that his client has justice. The opposing counsel, who is the district attorney, represents the State's interest and endeavors to have the ends of justice met and the public conscience vindicated. The prisoner is arraigned, and, if he pleads "guilty," he is sentenced at once. If his plea is "not guilty," the trial proceeds. The district attorney presents the case and furnishes evidence to support the prosecution. Both sides introduce and examine witnesses. The usual arguments by attorneys, and the judge's charge to the jury, follow. The jury then retire to agree upon a verdict, which must be unanimous. If the prisoner is found

guilty, judgment is pronounced. If sufficient cause can be shown, the judge may grant a new trial, or an appeal may be taken to the supreme court. If, at any time, a jury cannot agree upon a verdict, there is a mistrial, and all must be gone over again in the same court. After the accused has been once acquitted he can not be tried a second time for the same offense. This provision is made a part of the declaration of rights in the constitution of the State.

102. Appeal.—The decisions of all these courts may be dissented from by appeal. Then the case is carried to the supreme court of the State for a final decision.¹ There it is simply reviewed by the judges (always without a jury), and, if no error is found, the judgment of the lower court is affirmed. If any error is found, the case is returned to the lower court for a new trial. When a final decision is reached in civil cases, if the losing party does not make settlement, an execution is issued and his property is sold to satisfy the judgment. In case any principle of Federal law or of the Federal Constitution is involved, the suit is transferred to the United States court for trial.

¹ Certain cases are carried to the court of chancery appeals, where the decision may be final.

CHAPTER XVII.

COUNTY GOVERNMENT.

103. The First County in Tennessee was Washington. It was formed in 1777 by the General Assembly of North Carolina and embraced all of the present area of the State. Other counties have been, from time to time, carved out of this territory, until now the total number is ninety-six. Of these, thirty-four are in East Tennessee; forty-one, in Middle Tennessee; and twenty-one, in West Tennessee. Following the plan first adopted by Virginia, Tennessee, like most other Southern States, takes the county as the unit of government, instead of taking the civil district, which would have been in accord with the practice in New England and most of the Northern States, where the town, or the township, is made the unit. Every county is a corporation, which may sue and be sued, may hold property, make contracts, and exercise other legal powers. Each county has a capital called the county-seat, where the court-house and the jail are established, where the county court meets, and where the county offices are located. The county is formed mainly for judicial and administrative purposes. The county court, composed of justices from the various civil districts, is authorized to act for the county. No county, without special provision, can contain less than two hundred and seventy-five square miles and seven hundred qualified voters.

104. County Officers.—The county officers are a chairman of the county court, or a county judge, a sheriff, a trustee, a register, a coroner, a surveyor, a school superintendent, a ranger, sometimes a tax assessor, and such

others as the law authorizes for transacting the county's business. All officers who handle public money are required to give bond for the faithful care of the same. About half of the officers are elected by the people and the other half by the county court. In most cases their salaries depend upon fees collected. A small number, as the superintendent of schools, have their salaries fixed by the county court and they are paid out of the county treasury.

105. Chairman of County Court.—At its January term, the quarterly county court, in counties in which no judge is chosen, elects a chairman to serve for one year. He presides over the deliberations of the court, has charge of the county property, and performs such other services as the law requires. A chairman *pro tempore* is also elected to fill the place of the chairman on certain occasions.

106. County Judge.—In certain counties, a county judge, elected by the qualified voters, takes the place of the county court chairman. He must be a person learned in the law. He serves for eight years. His salary is fixed by the special act of the Legislature which established his office. Hence the salary varies in different counties. The duties of a county judge are numerous, including settlements with county officers, presiding at the sessions of his court, drawing warrants on the trustee for the payment of money, and such other duties as the law directs. He is also the financial agent of the county.

107. The Sheriff.—The sheriff is the chief executive officer of the county. He is elected by the qualified voters to serve for two years, and is eligible for only six years in any consecutive series of eight years. This office is of great antiquity and existed in England in old Saxon times. The county was then called a "shire" and its chief officer a "reve." In course of time, the term *shire-reve* was corrupted into sheriff. The sheriff must give a bond of from twelve thousand to fifty thousand dollars for the faithful performance of his duties, including the paying over of all

moneys. Besides the usual oath of office, he must also swear that he has not promised or given anything to procure the office. He appoints as many deputies as he may desire, to assist him in his official work.

It is the sheriff's duty to execute and return, with proper diligence, the orders and processes of the lawful courts and of legalized officers; to attend, or wait upon, all the courts of his county and to furnish them with all necessary accommodations; to have charge of the jail of his county and of all prisoners therein, and to protect prisoners against mob violence. He and his deputies are required to keep the peace, to prevent crime, and to arrest criminals. When necessary he may call to his aid any number of citizens, and may also, for the purpose of serving a process, go into any county of the State. If the sheriff cannot suppress violence by aid of the citizens of his county, he may call for aid upon the governor, who may, in turn, if necessary, call upon the President of the United States. The sheriff is required to give notice of elections, and, in person or through deputies, to hold all popular elections. He must promptly carry out the sentence of the court, whether it be fine, imprisonment, or capital punishment, and must perform such other duties as the law directs. His office is one of the most important in the county. He is paid by fees and therefore his remuneration varies with the population of the county. In the populous counties his aggregate remuneration is large.

108. The Trustee.—It is the trustee's duty to collect taxes, to pay out, on warrant, all just claims against the county, and to keep a correct record of the same. He is the county's treasurer and has charge of all the county's money. He is elected by the qualified voters to serve for two years.

109. The Register.—It is the duty of the register to record all deeds and other instruments so that the public may have due notice of the same. If a purchaser of land

fails to have his deed recorded, it is void as against a subsequent purchaser. The register is, therefore, required to note the exact time at which he receives a deed for record. He is elected by the qualified voters to serve for four years.

110. The Surveyor.—Every county has a land surveyor whose term of office is four years. He is elected by the justices of the quarterly county court. It is his duty to make all surveys ordered by the courts, and also surveys for private parties upon a tender of the legal fees. He may appoint two deputies. He is liable for damages caused by a mistake by himself or his deputies. He must test his compass every six months by the local meridian and put its variation on record in the county clerk's office.

111. Tax Assessor.—Previous to the year 1896, every county had a tax assessor, but thereafter, in all except certain populous counties, a tax assessor must be elected in every civil district. His duties are given under the head of civil districts. In the counties that continue the county system, the duties of the county assessor are similar to those of the district assessors. He is elected by the qualified voters to serve for four years.

112. The County Superintendent of Schools.—(*See Education, § 153, page 89.*)

113. The Ranger.—This officer is elected by the quarterly county court to serve for two years. It is his duty to keep a record of stray animals and arrange so that they may be returned to their owners. In default of the owner's claiming them at the end of a given time, the ownership of the person who takes them up is confirmed.

114. The Coroner.—The coroner is elected by the quarterly county court for a term of two years. It is his duty to hold an inquest over the dead body of any person supposed to have come to his death by unlawful means, and to report to the quarterly county court the facts in the case so far as obtained. He is required to discharge the duties

of the sheriff when that officer is disqualified, or when the office is vacant.

115. Notary Public.—This office is of ancient origin and is now common in all civilized countries. Notaries public are appointed by various authorities in different countries, but in Tennessee they are elected by the quarterly county court, each county having as many notaries as the court deems necessary. The notary may take depositions, administer oaths, and certify to the protest of negotiable paper.

116. Minor Officers.—Every county also has a sealer of weights and measures elected by the quarterly county court; three commissioners to provide for the poor; a board to equalize the taxes; a public administrator and guardian; a county physician; and, when needed, four work-house commissioners.

117. Board of Health.—The law provides for a county board of health consisting of the county judge or chairman, the county court clerk, and the county health officer or physician. It is the duty of this board to care for the general health of the people and to ward off epidemics. The county pays all the necessary expenses of the board.

CHAPTER XVIII.

CITY GOVERNMENT.

118. As we have already learned, it is necessary to have some laws that apply to the whole Nation. Others extend no further than to the limits of the State. We must have still others which pertain to a city only. This is because the matters regulated pertain alone to the divisions mentioned respectively. The regulation of commerce, for example, can be effected only by National authority, while the necessity for a fence law varies according to locality and becomes a matter of State, or, perhaps, of county regulation. There are yet other things which naturally confine themselves to the limits of a city and which consequently require, for their regulation, laws made by city authority. Among these we may mention the construction of streets, the furnishing of water and lights, the preservation of order, the promotion of health, protection from fire, the opening of parks, and the establishment of institutions for charity and reform. Laws bearing upon these points are enacted under authority of a special charter or incorporation.

119. How Incorporated.—In Tennessee, towns may be incorporated under the provisions of a general State law. Fourteen or more legal voters within the territory to be incorporated apply for a charter. A full list of the voters in said territory must be filed with the county court clerk or with some justice of the peace. Notice is made giving particulars concerning the proposed incorporation and at the end of thirty days an election is ordered. If two-thirds of those qualified vote for "corporation," the

clerk certifies the same to the secretary of state and the latter returns a certificate of incorporation to be registered. Upon this a municipal government is organized. Incorporation may also be effected by a special act of the Legislature, in which special privileges are granted. Many towns are thus incorporated.

120. Form of Government.—In most cities the form of government provides for a mayor, a legislative council, a recorder, a treasurer, and a police force. The larger cities often add a board of public works. While there is a general uniformity in city government throughout the State, there are many variations in detail. It is true that certain powers are granted by the State law to all alike, but each organization, being an independent production, and sometimes effected under a special act, has its own method for reaching the desired results. For example, some cities have a council of two chambers, while others provide for but one chamber. Again, we find that the city court in some towns is held by the mayor and in others by the recorder. In a small town a marshal or constable is sufficient to preserve order, while in a large city a full police force is required. City governments are frequently changed by legislative enactment and the incorporated territory is extended or contracted.

121. Wards.—For convenience of government the city is divided into wards, just as the State is divided into counties and the county into civil districts. In fact, city government is much like county government contracted within a small area. The wards elect aldermen for representatives, instead of justices of the peace. However, some cities elect their aldermen by a vote of the whole people in the city at large.

122. The Mayor.—The chief executive officer is the mayor, except where there is a board of public works, in which case the executive functions of the mayor are largely imposed upon the board of public works. The mayor

presides at the meetings of the board of aldermen and has a veto power. It is usual for him to be elected by a popular vote and to serve for two years. He makes certain appointments and looks after the general interests of the city. In some towns he serves for one year only and in some he is elected by the board of aldermen.

123. The Common Council.—Every ward elects two representatives called aldermen. These, with the mayor, form the common council, whose duty it is to legislate for the interests of the city. The laws enacted by them are called ordinances and must, as a rule, receive the mayor's signature before going into effect. The council may pass an ordinance over the mayor's veto. All ordinances must be published at once and a digest is published by the council every three years, according to a requirement under the general law for incorporation. The council's power of legislation extends to the paving of streets, the preservation of peace, the regulation of markets, the promotion of health, the support of schools, the levying of taxes, the regulation of saloons, the support of a fire department, and numerous other matters important to good city government. The council also confirms officers appointed by the mayor.

124. The Recorder.—The recorder is the city clerk. He keeps a record of the proceedings of the city council, and has charge of all papers, books, and records belonging to the city. He publishes and preserves the ordinances passed by the council, and in most cities he tries offenders against the city ordinances.

125. The City Attorney.—This officer is the legal adviser for the city. When called upon by those in authority, he gives legal opinions regarding questions of city procedure. He also conducts, on the part of the city, all lawsuits in which it is a party.

126. The City Treasurer is elected by the council. It is his duty to receive and account for all moneys of the

city. He pays all properly authenticated claims and in his report to the mayor and aldermen he must itemize all receipts and disbursements. No head of sundries or miscellanies is allowed.

127. The Board of Public Works.—In large cities where extensive sewers and street systems are necessary, the construction and care of all such improvements are placed in the hands of a committee of citizens called the board of public works. Usually the chairman of the board is chosen by popular vote and his associates are appointed by the mayor and confirmed by the council. The board of public works occupies a very responsible position, since it makes contracts involving the expenditure of large sums of the people's money.

128. The Board of Education is generally composed of reliable and well-known citizens who manage the financial and material interests of the city schools. They also elect the school superintendent and teachers. They are usually chosen by the city council. Their duties are second to none in importance.

129. Other Officers are a city engineer, city marshal, city collector, chief of police, chief of fire department, and police officers. The name of each indicates his duty. The members of the board of aldermen are also apportioned in various committees to look after various special interests.

CHAPTER XIX.

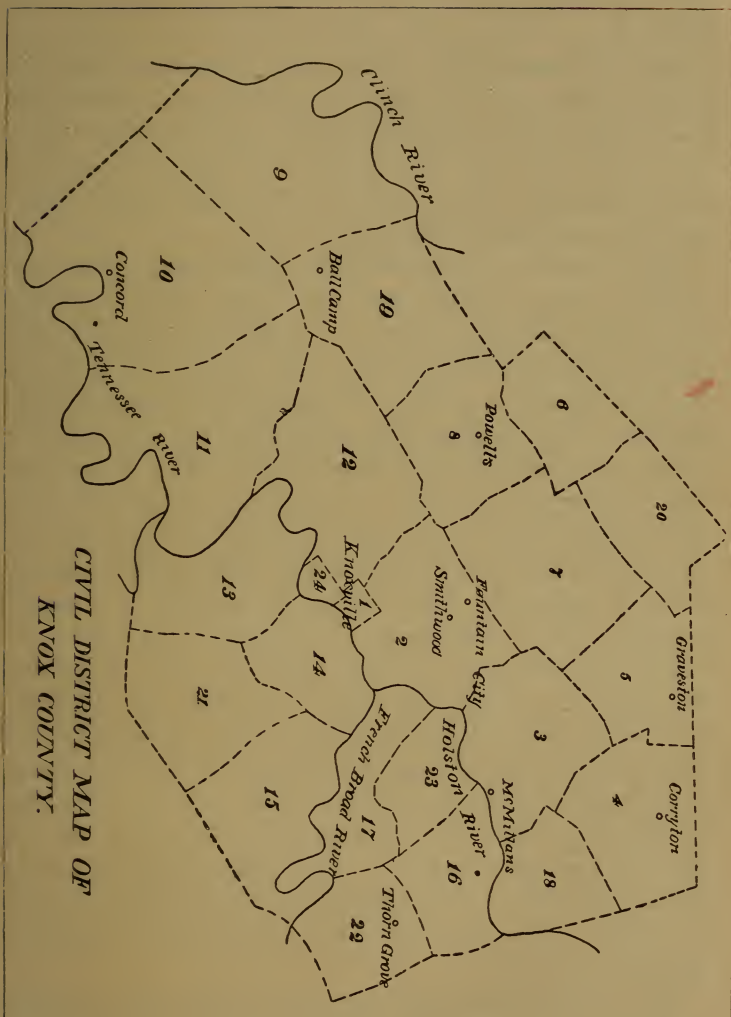
CIVIL DISTRICTS.

130. Formation.—The counties of Tennessee are subdivided into civil districts. No county can have fewer than eight civil districts nor more than twenty-five. The number of districts in each county is proportioned to its voting population. The county court has power to change the district boundaries and to create new districts. The districts are known by numbers affixed by the county court, whose duty it is also to cause a map of the county to be made showing the boundaries of the districts.

131. Compared to Townships.—The sub-divisions of counties in most northern States are called towns, or townships, and to these are given extensive powers of local government. In the South local government is administered mainly by the county and not by the smaller sub-divisions. County governments have the representative system, while township, or town, government is, in many States, a pure democracy, being administered directly by the people in popular assembly. This is the case in New England, especially. The system of township government comes down from remote antiquity and is the oldest feature of American government. The tendency in many Southern States is now towards this form of local government.

132. Jurisdiction.—The jurisdiction of the civil district is limited to such matters only as are too local for direction by the county. These are the trial of petty suits at law, the keeping of the peace, and, in some counties, the management of schools. The civil districts also serve as units for representation in the county court and as election

CIVIL DISTRICT MAP OF
KNOX COUNTY.



precincts, or boundaries. The regular juries of the circuit and criminal courts are, likewise, apportioned to the districts.

133. Officers.—The officers of a civil district are two or more justices of the peace, a constable, and, after 1896, a tax assessor for each district, in most counties. Three school directors, also, are chosen to manage the schools of each district in those counties where the school district and the civil district coincide.

134. Justice of the Peace.—This office is of very ancient origin, having originated in the reign of Edward III., in the fourteenth century. In England, justices of the peace were appointed by the crown to serve for life, or during good behavior. When Tennessee was a part of North Carolina, the justices were appointed by the governor. In the early period of Tennessee history, they were elected by the General Assembly. At present, they are elected by the qualified voters to serve for six years. There are two justices for every civil district and three where a county town is included. Large cities are entitled to a greater number. The jurisdiction of a justice of the peace extends over the entire county. It is his duty to preserve the peace, to administer oaths, to perform the marriage ceremony, to try petty suits at law,¹ to sit in the county court for the transaction of county business, and to hold inquests over dead bodies in the absence of the coroner. The office of a justice is both executive and judicial and in his local court he performs the part of both judge and clerk, though his court is not of the class technically described as courts of record. As a member of the county court, he also has legislative powers.

135. Constable.—For every civil district one constable is elected by the qualified voters to serve for two years. In districts containing county towns, two constables are

¹See § 85, page 61.

elected. It is the constable's duty to execute and return processes, to arrest disorderly persons, to apprehend criminals, and to wait upon courts. His relation to the civil district is similar to that of the sheriff to the county. This office is also of very ancient origin, having been introduced into England by the French at the time of the Norman Conquest.

136. Tax Assessor.—In those civil districts which, after 1896, have a tax assessor, all the taxable property and polls must be listed by this officer. It is his duty to visit, in person, all parts of the district and see that a just report of all taxables is made and that property is valued justly and equally. He is elected by the qualified voters to serve for four years.¹

¹ For School Directors, see Education ; § 155, page 89.

CHAPTER XX.

PUBLIC ROADS AND PUBLIC REVENUES.

137. Good Roads are indispensable in all civilized countries. The agricultural interests of a country especially can not be prosperous without good roads. Wherever good roads are constructed, farming lands command a higher price, and business in general is increased.

138. In Tennessee all roads laid out according to law are public roads. The opening of new roads, as well as the changing or closing of old ones, is effected by a jury of view composed of the road commissioner and two free-holders of the road district in which the road is located. There are four classes of roads, described as follows: First class, from twenty-four to fifty feet wide; second class, from eighteen to twenty-four feet wide; third class, from fourteen to eighteen feet wide; and fourth class, from ten to fourteen feet wide.

139. Road Commissioners.—The county court divides the county into road districts and elects for each district a commissioner who serves for two years. The commissioner has control of the highways and bridges, and directs the manner of working the roads of his district. It is the further duty of the commissioner to care for tools, to secure proper grades, to settle with overseers, to provide for the erection of mile-posts, and to perform other duties which are required of him by law.

140. Road Overseers are appointed by the road commissioner to serve for one year. Each overseer has the immediate oversight of the hands assigned to one section of road, which may be from one to five miles long, and he

notifies the hands when they must work the road. He also dismisses those who render unsatisfactory service and notifies the commissioner, who takes action against them. The instructions of the commissioner with regard to all kinds of road work, including grades, ditches, foot-bridges over streams, and other matters, are carried out by the overseer.

141. Road Hands.—All male persons between the ages of eighteen years and forty-five years, unless permanently disabled or otherwise exempted by law, are required to work upon the public roads. If the party of whom this duty is required furnishes a substitute or pays seventy-five cents for each day's work demanded, he is released. The penalty for failure or refusal to perform this duty is a judgment for the amount of the claim with costs, against the collection of which no property, except a homestead, may be held exempt from execution. A refusal to work is also a misdemeanor subject to a fine. Nine hours constitute a day's work. The prisoners in the county work-house, or, where there is no work-house, the prisoners in jail who are under sentence, or who are imprisoned for fines and costs, may be required, by the road commissioner, to work upon the public roads. The quarterly county court may also let out any particular section of road to be worked by contract.

142. Road Assessments.—The roads are kept in repair by an assessment in days' labor and taxes. The quarterly county court assesses the tax to be expended and the number of days to be worked. The tax is not less than five cents nor more than twenty-five cents on each one hundred dollars' worth of taxable property. By order of the county court two-thirds of the tax may be paid in labor. The number of days' labor varies.

143. General Improvement.—County courts may provide for the general improvement of roads. In this case, commissioners are appointed who employ engineers and

other experts to prepare a report upon the work proposed, including the approximate cost. If the court adopts this report, an election is ordered in which the people decide either for or against improvements. If the result is favorable, bonds are issued and the work of improving all the roads of the county is provided for.

144. Public Revenue: Taxes.—The power to levy taxes is a necessity with every successful government. The great weakness of our National government, before the adoption of the constitution, consisted in its inability to levy taxes. Money must be had to pay the expense of carrying on the government. It is important also that all moneys taken from the people in the form of taxes shall be expended for the best public interest. An expenditure of the public money for private interest is corruption and public robbery.

145. How Assessed.—In Tennessee, taxes are raised by the State, by the county, and by the city governments. They are obtained by an assessment upon persons, upon property, and for privileges. The tax upon persons is called a poll tax. Revenue is also derived from fines, from an inheritance tax, and from other minor sources.

146. Property Tax.—Real estate is assessed only once in every two years, other property being assessed annually. The assessment must be based upon a cash valuation. The State tax on every one hundred dollars' worth of property, for State purposes, is twenty cents, and for school purposes it is fifteen cents. Every county and city makes its own levy under certain legal restrictions and limitations.

147. A Privilege Tax is paid for the right to carry on some special business. Auctioneers, hucksters, peddlers, butchers, and others pay a privilege tax. Merchants pay a privilege tax, and also an *ad valorem*¹ tax on their

¹ That is, a tax in proportion to value.

merchandise. The privilege-tax system in Tennessee is very extensive.

148. Other Revenue.—An inheritance tax of five cents on the dollar for the benefit of the State is assessed on all estates for which there are no direct heirs, provided that the estate is valued at not less than two hundred and fifty dollars.

All fees and unclaimed funds in the hands of the supreme court clerk, and other officials, which have not been called for, are, at the end of two years, turned over to the county for county purposes.

149. Exemptions.—All public property belonging to the United States, the State, the county, or a city, and used for public purposes, is exempt from taxation. The same is true of most church property, burial-grounds, the property of charitable and literary institutions, growing crops in the hands of the producer, or of the first person to whom they are sold, home manufactures in the hands of the producer, and personal property worth one thousand dollars owned by resident taxpayers.

Assessments are often so carelessly made that large sums in the way of taxes are lost by the government. Boards of equalization (State, county, and sometimes city) are provided to equalize the assessments, so that all persons may pay justly according to the value of their property. Unjust and excessive taxation has caused many wars. The French Revolution and our American Revolution are examples.

CHAPTER XXI.

EDUCATION.

150. Of late years public schools have greatly increased in popularity and efficiency. The present State system was established in 1873, but has been much improved since that time. Both primary and secondary schools are now provided and the State University completes the higher courses of collegiate and university training. The public school system is administered through a State superintendent, county superintendents, and district directors.

151. The State Board of Education.—The governor appoints a State board of education consisting of six members. Two are appointed every two years to serve for six years. It is the special duty of the board to establish normal schools for the training of teachers and to provide for the examination of county superintendents. They elect their own secretary and treasurer. The governor and the State superintendent of public instruction are, by virtue of their offices, members of the board. The governor is *ex officio* the president of the board.

152. The State Superintendent of Public Instruction is nominated by the governor and confirmed by the Senate. He must have literary and scientific attainments and be skilled and experienced in the art of teaching. He holds his position for two years and is paid \$1,995 annually out of the school fund. He is provided with a clerk at \$1,000 *per annum*, and his traveling expenses are usually paid. His office is in the capitol building. He is, also, *ex officio* a member of the board of trustees of the State University.

It is the duty of the State superintendent to collect and disseminate information regarding the schools; to visit the schools and see that the school laws are observed; to direct county superintendents in making reports and in examining teachers; and to report to the governor, at the end of each year, the school expenditures, the scholastic population, the attendance, and the condition and progress of the schools.

153. The County Superintendent is elected for two years by the county court. He must also be a person of literary and scientific attainments. His salary is fixed by the court and is often too small to secure adequate service. Women are eligible to this office. All candidates for the office of county superintendent are required to pass an examination prescribed by the State board of education and to file with the chairman of the county court a certificate of qualification from the board.

It is the duty of the county superintendent to supervise and visit the schools of his county; to examine, license, and confer with teachers; to designate an "arbor day" in November of each year for tree planting in all school grounds; to suggest to directors desirable changes in textbooks; and to carry out all directions coming from the State superintendent. In counties of 30,000 inhabitants and over, he is not allowed to engage in teaching during his term of service.

154. School Districts.—In most counties the school district coincides with the civil district, but in others it is an independent sub-division of the county. When it coincides with the civil district, it is divided into sub-districts, there being one for each school. New school districts may be laid out by the county court.

155. School Directors.—Three school directors are elected by the qualified voters of each school district, to serve for two years. It is their duty to enforce the laws relating to schools; to employ teachers; to visit the

schools of their district; to direct expenditures wisely and legally; to acquire, hold, and manage public school property; and to report to the county superintendent. They elect one of their number clerk to record their official acts, to keep their financial accounts, and to enumerate the scholastic population annually. Directors are not permitted to teach a public school, to build public school-houses, or to own school warrants.

156. Teachers must have a certificate of qualification from the county superintendent before they can be employed and enter upon their duties. They must keep statistics of their schools and report the same to the directors. Proper efficiency in the school work demands great care in the selection of teachers.

157. Pupils between the ages of six and twenty-one years may attend the schools free of cost. White and colored children must be taught in different schools. The branches which are taught in primary schools are orthography, reading, writing, arithmetic, grammar, geography, history of Tennessee, and history of the United States containing the constitution of the United States. Vocal music and elocution, or the art of public speaking, may be taught, but all other branches are excluded. In secondary schools, the primary school studies are included and, in addition, elementary geology of Tennessee, elementary principles of agriculture, elements of algebra, elements of plane geometry, elements of natural philosophy, book-keeping, elementary physiology and hygiene, elements of civil government, and rhetoric or higher English. Pupils must be taught public speaking in the secondary schools, and vocal music may be taught. The nature and effect of alcoholic drinks and narcotics, including cigarette smoking, are required to be taught in connection with physiology and hygiene in both primary and secondary schools. No other branches are allowed to be taught. The course of study in the primary schools is divided into five grades, or,

when the secondary studies are added, into eight grades. Certificates are awarded to those who complete the primary course and diplomas to those who complete the secondary course.

158. The School Fund.—The State has a permanent school fund of \$2,512,500, which yields six per cent. *per annum* to the support of the public schools. To this are to be added all sums coming to the State by forfeiture, by land bought in for taxes, and by estates without heirs. A poll tax of one dollar is also assessed for schools and a property tax of one and one-half mills to the dollar. When the amount thus provided is not sufficient to maintain the schools of a county for five months, it is the duty of the county court to levy a tax sufficient for the same, or to submit the proposition to a vote of the people. This is now rarely complied with strictly, though many counties levy, for their own schools, a special tax to supplement the State fund.

159. City Schools.—The cities, and most of the larger towns, have their own special school systems, organized under their municipal charters. They receive their share of the State and county school funds, to which is added a special fund raised by the city. Their general and business management is conducted by a board of education. The professional work is directed by a superintendent. Principals have charge of the various ward schools.

160. The State University, located at Knoxville, contains also the State Agricultural and Mechanical College established upon an endowment from the National government. It is controlled by a board of trustees acting under a State charter. The University is the capstone of the State system of education. Besides its courses in agriculture, engineering, literature, and science, there are also departments of law and medicine, and special studies in the theory and art of teaching. The medical school of the University is located at Nashville.

161. State Reform School.—The State supports a school for orphan, helpless, wayward, and abandoned children. It is called the Tennessee Industrial School and is located near Nashville. The county courts decide upon proper subjects for this school and order them under its care. The instruction is along practical and industrial lines. Every county is authorized to establish a similar institution.

162. Other Institutions.—The State is well supplied with institutions of higher grade. Nearly every religious denomination has its own college or university. The Peabody Normal College, at Nashville, trains teachers for the schools of all the Southern States. It is supported mainly by a large fund donated by George Peabody to education in the South and South-west, but Tennessee also gives to it \$20,000 annually.

CHAPTER XXII.

ELECTIONS.

163. A Citizen is not necessarily a voter. All persons born in the United States, or naturalized here, are, by the Federal constitution, made citizens both of the general government and of the State under whose jurisdiction they live.

164. A Voter.—Strange to say, unnaturalized persons are allowed to vote in some States, but, in Tennessee, only citizens of the United States, twenty-one or more years of age, who have resided twelve months in the State and six months in the county in which they desire to vote, may exercise the right of suffrage. If the voter is subject to poll tax, he must pay this tax before he can vote. With few exceptions, he must vote in the civil district in which he lives. Persons convicted of infamous offenses against the law are not allowed to vote.

165. Time and Place of Voting.—General elections are held every two years, on the first Thursday in August, for offices having a term of two years, and for such others as may become vacant, or may have their terms to expire at that time. The election for governor and members of the General Assembly is held every two years, on the first Tuesday after the first Monday in November. Special elections may be held at other times if vacancies require them. Voting places are located by the county court in every civil district. The sheriff, or his deputies, hold the elections, which are superintended by three judges all appointed in counties not having registration, by the county court, or by the sheriff. Two clerks keep a record of the votes.

166. Registration.—In all counties having 50,000 or more inhabitants; in a district of 2,500 or more inhabitants located in a county of less than 50,000 inhabitants; and in towns of 2,500 or more inhabitants; the qualified voters must be registered before they can vote. The number of inhabitants is determined by the last preceding United States census. For each of such counties as have registration the governor appoints, for a term of two years, three commissioners of registration who serve without pay, only two of whom may belong to the same political party. It is their duty to appoint, ninety days before every election, two registrars, of different politics, for every civil district or ward, who are required, on certain days designated, to register all qualified voters who apply. The voter receives a certificate which entitles him to exercise the right of suffrage for two years. If the voter lives in a civil district having less than five thousand population, according to the last census, and in a county not wholly subject to registration, his certificate is good for four years. The county commissioners of registration are also required to appoint, for every election, one of the three judges and one of the two clerks for each voting place, which officers the county court, or the sheriff, is released from appointing in counties that have registration. The registration books, directly after being finished, are kept open five days for inspection and correction.

167. Ballots.—All voting in this State is by ballot, the ticket being usually folded so that the vote is secret. Usually, each candidate furnishes his own tickets, according to a prescribed pattern, containing no distinguishing marks, but, in those counties where registration is required, a uniform ticket is furnished at public expense. On it the names of all the candidates for the same office are printed together in alphabetical order and irrespective of party, except in case of Presidential electors. Cards of instruction as to method of voting are also furnished.

168. Method of Voting.—The polls are opened at nine o'clock in the morning and are closed at four o'clock in the afternoon. During that time any qualified voter may present his ticket to the officer holding the election, who, with the approval of the judges, deposits it in the ballot-box prepared for its reception. The ballot-box must be kept locked or otherwise securely fastened while in use. This is the usual method of voting.

In counties of 50,000 or more inhabitants, where registration prevails, a modification of the Australian ballot system is in force. This requires that the ballot-box and the officers holding the election shall occupy a position remote from the entrance to the enclosure, or room, where the election is held. In front of these and about ten feet from the entrance to the room, sits the registrar with the official ballots. Leading in on one side, from the front, is a gangway for the entrance of voters and on the other, a passage for their exit. As the voter enters, he receives from the registrar an official ballot and a card of instructions. He then goes to the assistant registrar and presents his blank ballot and registration certificate which that officer numbers. His name is also checked off on the registration list. The voter then enters one of the stalls provided behind, or near, the judges holding the election, and there places a cross mark (X) opposite the names of the candidates for whom he desires to vote. He cannot remain in the stall longer than ten minutes. He then folds his ballot and proceeds to the ballot-box, where he delivers his ballot and registration certificate to the officers, with evidence that he has paid his poll tax, if he is subject to the same. If all is right, the ballot is deposited in the box. The voter then passes out on the other side. If, from blindness or other physical disability, a voter cannot mark his ballot, the officer who holds the election may, upon request, do it for him.

169. Preventing Corruption.—This elaborate system

of voting was devised to prevent corruption and fraud by securing the voter from the presence of outside influence while exercising the right of suffrage. Even if he should corruptly offer to sell his vote, the purchaser would hesitate to buy that which he could not see delivered. It is necessary for the law to be very strict with regard to all illegal acts on the part both of the voters and of the officers of election, and it is the duty of every good citizen to see that its penalties are enforced. Nothing can sooner hasten the destruction of free government than the use of corruption and fraud to defeat the rightly expressed will of the people at the ballot-box.

170. The Result.—At the close of the voting, the officers of election are required to count the vote and to make their returns without delay. Copies of the poll-books must be deposited with the circuit and the county court clerks. On the Monday following the election, the sheriff, or other person who held the election, must compare the vote for county and civil-district officers and issue certificates to those elected. Returns for other offices are sent by the sheriff to the secretary of state, who, with the governor, compares the vote. The governor then issues certificates to those elected.

CHAPTER XXIII.

POLITICAL PARTIES.

171. Wherever there is government, we find political parties. This is especially the case with a government by the people. From the very foundation of our National government, people have had different views as to how it should be administered. For example, one party has always believed in following the letter of the constitution closely, while another has contended for a liberal interpretation. Political parties are necessary, and do great good, so long as they are confined to their legitimate spheres. They serve as checks to each other and prevent unwise and extreme measures. When they make the spoils of office their object and fall into the hands of corrupt leaders who use unwarrantable means to attain their ends, then political parties prove a detriment to the country and so debauch the public conscience that the perpetuity of free institutions is put in peril. The best people of the country are often responsible for such a state of affairs because of their neglect to attend nominating conventions and elections and to control them for good. It is the duty of every good citizen to perform his part and to feel a personal responsibility for the proper administration of his government.

172. Local Politics.—National politics generally absorbs much more of our time than State or local politics. Indeed the former is often thrust into local elections where it has no proper place whatever. For example, the tariff has nothing to do with public improvements in a city, or with good country roads. To elect a man to serve as jus-

tice of the peace or as road commissioner simply because he is a Republican or a Democrat, displays about as much good judgment as to elect him because he has red hair or belongs to the debating society. Our object in electing officers should be to secure the best administration of the affairs pertaining to the office that is to be filled.

173. Party Machinery.—In order to do most effective work, it is necessary that a political party should be well organized. Organization is usually effected through committees. These committees correspond to the various units of government within which the various officers elected exercise their functions. For example, there is a State committee, a county committee, a committee for the congressional district, and sometimes a committee for even the civil district. These committees call nominating conventions, distribute literature, persuade voters, procure speakers, organize campaigns, arrange primary elections, and promote the general interests of the party.

174. Nominations.—Candidates are usually nominated by a convention of delegates from the territory for which the candidates are to be chosen. It is necessary to have nominations in order that those candidates may be selected who can bring out the strongest party vote and best fill the office. It is, therefore, the duty of every member of the party to assist in selecting such men, but unfortunately selfish motives often prevail. The convention that makes a nomination, usually sets forth a platform or declaration of principles. Too often this platform is only an echo of the National platform of the party and has little relevancy to the duties which the officer to be elected will have to perform. When delegates are sent by the people to a convention, they are often "instructed" to vote for a certain candidate. At other times they go without instructions. Sometimes, instead of a convention, the committee orders a primary election. In the primary election, only members of the party making the nomina-

tions are allowed to vote. As such an election has no legal *status* and protection, frauds are often committed.

175. Present Tendencies.—It is a common fallacy to think that “the old times were the best times.” This is because men, in the kindness of their hearts, put away from their memory the evil deeds of humanity and preserve only the good. History makes prominent the virtues of our ancestors, but does not speak so distinctly of their imperfections and failures. Therefore, some well-disposed persons, observing the good and the bad of the present day so mixed up together, fail to see that the world is constantly growing better. To the more careful observer, this is the grandest age, and the best age, in the world’s history. Never before were people so high-minded, so upright, and so respectful of each other’s rights and opinions. Our hope of the future is in the intelligence and virtue of our people. As public schools multiply and the principles of morals and religion are more widely diffused, the standard of government will be constantly raised, and evil practices will gradually disappear.

CHAPTER XXIV.

REFORMS.

176. How Secured.—In matters of government it is necessary that all good citizens should be ready to point out defects and demand improvement. Legislators are sensitive to public opinion and will almost invariably accede to the demands of their constituents. There are many points in which our laws and their administration may be improved.

177. Improper Expenditures.—In the first place, more stringent laws should be enacted with regard to public expenditures. Hundreds of thousands of dollars are wasted annually in petty criminal prosecutions and unnecessary bills of cost. County courts are often extravagant in voting aid to private corporations and otherwise unwisely expending their constituents' money. Heavy burdens in the form of bonded debts can be too easily placed upon the shoulders of the people.

178. The Fee System needs to be regulated so that minor officers may not be paid unreasonable salaries. By this system, in some of the larger counties, an ordinary office pays its incumbent two or three times as much as is paid to the governor of the State. The clerk of a court may receive from two to five times as much salary as the judge upon the bench, whose abilities are expected to be much greater. Such abuse can be accounted for only by long-continued custom. In some of our large counties from \$25,000 to \$75,000 a year could be saved to the people by a proper regulation of this system of remuneration by fees. On the other hand, salaried

officers are paid very reasonably, and, in some cases, too little. For example, the county superintendent of public instruction is usually paid a salary which is wholly inadequate and not at all in proportion to the importance of the work which should be done.

179. Better Officers.—In some counties there is also a necessity for the election of more efficient officers. The man who fills an office should be honest, faithful, and well qualified. Otherwise there is great public loss. Offices are not mere charities to be bestowed upon well-meaning people, nor are they rewards for party services. They are instituted for the public good and the men who fill them are public servants who are acceptable and worthy in proportion to the faithfulness and success with which they discharge their duties.

180. The Public Roads are by no means what they should be. Most of them are poorly laid out and poorly worked. Counties should employ competent civil engineers to locate all roads to best advantage. The county and State convicts could more generally be used to great profit in working the public roads. Millions of dollars are lost annually in our own State, as well as in other States, from want of properly constructed public roads.

181. Our Jury System needs improvement. It is too easy for unscrupulous attorneys to pack juries with unworthy members and thus defeat or delay the ends of justice. In former times, in countries where people did not stand on the same plane of equal rights and privileges, the jury system was, indeed, a "bulwark of liberty," and it was important that every man should be tried before a jury of his peers, or equals. Now the conditions are different, and, in many cases, one or more judges, learned in the law, would be much more efficient in dispensing justice than the twelve men who find their way into the jury box.

182. In Elections.—Improvements have been made in our election laws, but too much care cannot be expended

in securing an incorruptible ballot. By abolishing the registration certificate and depending entirely upon the registrars' lists, most of the temptation to buying votes would doubtless be removed.

183. In City Government.—It is thought by some persons that more freedom in the local government of cities would be better. So long as the State Legislature can control the powers of the cities through special enactment, there is a possibility that the will of the people may be defeated.

184. After all, nothing will do more to secure good legislation and an honest administration of the laws than the cultivation of a healthy public sentiment, and this public sentiment is to be brought about through the personal character of individual citizens only, for of these the Commonwealth is made up. If we would have good government, we must work for it individually. "Eternal vigilance is the price of liberty."

CONSTITUTION

OF THE

STATE OF TENNESSEE.¹



PREAMBLE AND DECLARATION.

Whereas, The people of the territory of the United States south of the River Ohio, having the right of admission into the General Government as a member State thereof, consistent with the Constitution of the United States, and the act of cession of the State of North Carolina, recognizing the ordinance for the government of the territory of the United States north-west of the Ohio River, by their delegates and representatives in convention assembled, did, on the sixth day of February, in the year of our Lord, one thousand seven hundred and ninety-six, ordain and establish a Constitution or form of government and mutually agreed with each other to form themselves into a free and independent State, by the name of the State of Tennessee ; and,

Whereas, The General Assembly of the said State of Tennessee (pursuant to the third section of the tenth article of the Constitution), by an act passed on the twenty-seventh day of November, in the year of our Lord one thousand eight hundred and thirty-three, entitled "An act to provide for the calling of a convention," passed in obedience to the declared will of the voters of this State, as expressed at the general election of August, in the year of our Lord one thousand eight hundred and thirty-three, did authorize and provide for the election, by the people, of delegates and representatives, to meet at Nashville, in Davidson County, on the

¹Framed by convention at Nashville which sat from January 10 to February 23, 1870. Ratified by the people, March 26, 1870. Majority 64,256 votes.

third Monday in May, in the year of our Lord one thousand eight hundred and thirty-four, for the purpose of revising and amending or changing the Constitution; and said convention did accordingly meet and form a Constitution, which was submitted to the people, and was ratified by them, on the first Friday in March, in the year of our Lord one thousand eight hundred and thirty-five; and,

Whereas, The General Assembly of the State of Tennessee, under and in virtue of the first section of the first article of the Declaration of Rights, contained in and forming a part of the existing Constitution of the State, by an act passed on the fifteenth day of November, in the year of our Lord one thousand eight hundred and sixty-nine, did provide for the calling of a convention by the people of the State, to meet at Nashville on the second Monday in January, in the year of our Lord one thousand eight hundred and seventy, and for the election of delegates for the purpose of amending or revising the present Constitution, or forming and making a new Constitution; and,

Whereas, The people of the State, in the mode provided by said act, have called said convention and elected delegates to represent them therein; now, therefore,

We, the delegates and representatives of the people of the State of Tennessee, duly elected and in convention assembled, in pursuance of said act of Assembly, have ordained and established the following Constitution and form of government for this State, which we recommend to the people of Tennessee for their ratification; that is to say:

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness; for the advancement of those ends they have, at all times, an inalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.

SEC. 2. That government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

SEC. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any minister against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishment or mode of worship.

SEC. 4. That no political or religious test, other than an oath to support the Constitution of the United States and of this State, shall ever be required as a qualification to any office or public trust under this State.

SEC. 5. That elections shall be free and equal; and the right of suffrage, as hereinafter declared, shall never be denied to any person entitled thereto, except upon a conviction by a jury of some infamous crime, previously ascertained and declared by law, and judgment thereon by a court of competent jurisdiction.

SEC. 6. That the right of trial by jury shall remain inviolate, and no religious or political test shall ever be required as a qualification for jurors.

SEC. 7. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offenses are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

SEC. 8. That no man shall be taken or imprisoned or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the judgment of his peers or the law of the land.

SEC. 9. That in all criminal prosecutions the accused hath the right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the county in which the crime shall have been committed, and shall not be compelled to give evidence against himself.

SEC. 10. That no person shall, for the same offense, be twice put in jeopardy of life or limb.

SEC. 11. That laws made for the punishment of acts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free government; wherefore no *ex post facto* law shall be made.

SEC. 12. That no conviction shall work corruption of blood or forfeiture of estate. The estate of such persons as shall destroy their own lives shall descend or vest as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in consequence thereof.

SEC. 13. That no person arrested and confined in jail shall be treated with unnecessary rigor.

SEC. 14. That no person shall be put to answer any criminal charge but by presentment, indictment, or impeachment.

SEC. 15. That all prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or the presumption great; and the privileges of the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the General Assembly shall declare the public safety requires it.

SEC. 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

SEC. 17. That all courts shall be open, and every man, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the State in such manner and in such courts as the Legislature may by law direct.

SEC. 18. The Legislature shall pass no law authorizing imprisonment for debt in civil cases.

SEC. 19. That the printing presses shall be free to every person to examine the proceedings of the Legislature, or of any branch or officer of the Government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. But in prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, the truth thereof may be given

in evidence; and in all indictments for libel the jury shall have a right to determine the law and the facts, under the direction of the court, as in other criminal cases.

SEC. 20. That no retrospective law, or law impairing the obligation of contracts, shall be made.

SEC. 21. That no man's particular services shall be demanded, or property taken or applied to public use, without the consent of his representatives, or without just compensation being made therefor.

SEC. 22. That perpetuities and monopolies are contrary to the genius of a free State, and shall not be allowed.

SEC. 23. That the citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives, and apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address or remonstrance.

SEC. 24. That the sure and certain defense of a free people is a well-regulated militia; and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit, and that in all cases the military shall be kept in strict subordination to the civil authority.

SEC. 25. That no citizen of this State, except such as are employed in the army of the United States or militia in active service, shall be subjected to punishment under the martial or military law. That martial law, in the sense of the unrestricted power of military officers or others to dispose of the persons, liberties, or property of the citizen, is inconsistent with the principles of free government, and is not confided to any department of the government of this State.

SEC. 26. That the citizens of this State have a right to keep and to bear arms for their common defense; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime.

SEC. 27. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner prescribed by law.

SEC. 28. That no citizen of this State shall be compelled to bear arms, provided he will pay an equivalent, to be ascertained by law.

SEC. 29. That an equal participation in the free navigation of

the Mississippi is one of the inherent rights of the citizens of this State; it cannot, therefore, be conceded to any prince, potentate, power, person or persons whatever.

SEC. 30. That no hereditary emoluments, privileges, or honors, shall ever be granted or conferred in this State.

SEC. 31. That the limits and boundaries of this State being ascertained, it is declared they are as hereafter mentioned—that is to say: Beginning on the extreme height of the Stone Mountain, at the place where the line of Virginia intersects it, in latitude thirty-six degrees and thirty minutes north; running thence along the extreme height of the said mountain to the place where Watauga River breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; then along the ridge of said mountain, between the waters of the Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain to the place where the Nollichucky River runs through the same; thence to the top of Bald Mountain; thence along the extreme height of said mountain to the Painted Rock, on French Broad River; thence along the highest ridge of said mountain to the place where it is called the Great Iron or Smoky Mountain; thence along the extreme height of said mountain, to the place where it is called the Unicoi or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of said mountain to the southern boundary of this State, as described in the act of cession of North Carolina to the United States of America; and that all the territory, lands, and waters lying west of the said line, as before mentioned, and contained within the chartered limits of the State of North Carolina, are within the boundaries and limits of this State, over which the people have the right of exercising sovereignty, and the right of soil, so far as is consistent with the Constitution of the United States, recognizing the Articles of Confederation, the Bill of Rights, and Constitution of North Carolina, the cession act of the said State, and the ordinance of Congress for the government of the territory north-west of the Ohio; *Provided*, Nothing herein contained shall extend to affect the claim or claims of individuals to any part of the soil which is recognized to them by the aforesaid cession act; *And provided also*, That the limits and jurisdiction of this State shall extend to any other land and territory

now acquired, or that may hereafter be acquired, by compact or agreement with other States or otherwise, although such land and territory are not included within the boundaries hereinbefore designated.

SEC. 32. That the erection of safe and comfortable prisons, and inspection of prisons, and the humane treatment of prisoners shall be provided for.

SEC. 33. That slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are forever prohibited in this State.

SEC. 34. The General Assembly shall make no law recognizing the right of property in man.

ARTICLE II.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the Government shall be divided into three distinct departments : The legislative, executive, and judicial.

SEC. 2. No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases herein directed or permitted.

THE LEGISLATIVE DEPARTMENT.

SEC. 3. The legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives, both dependent on the people, who shall hold their offices for two years from the day of the general election.

SEC. 4. An enumeration of the qualified voters and an apportionment of the Representatives in the General Assembly shall be made in the year one thousand eight hundred and seventy-one, and within every subsequent term of ten years.

SEC. 5. The number of Representatives shall, at the several periods of making the enumeration, be apportioned among the several counties or districts, according to the number of qualified voters in each, and shall not exceed seventy-five until the population of the State shall be one million and a half, and shall never exceed ninety-nine ; *Provided*, That any county having two-thirds of the ratio shall be entitled to one member.

SEC. 6. The number of Senators shall, at the several periods of making the enumeration, be apportioned among the several counties or districts, according to the number of qualified electors in each, and shall not exceed one-third the number of Representatives. In apportioning the number of Senators among the different counties the fraction that may be lost by any county or counties in the apportionment of members to the House of Representatives shall be made up to such county or counties in the Senate as near as may be practicable. When a district is composed of two or more counties they shall be adjoining, and no counties shall be divided in forming a district.

SEC. 7. The first election for Senators and Representatives shall be held on the second Tuesday in November, one thousand eight hundred and seventy; and forever thereafter elections for members of the General Assembly shall be held once in two years, on the first Tuesday after the first Monday in November. Said elections shall terminate the same day.

SEC. 8. The first session of the General Assembly shall commence on the first Monday in October, 1871, at which time the term of service of the members shall commence, and expire on the first Tuesday of November, 1872, at which session the Governor elected on the second Tuesday in November, 1870, shall be inaugurated; and forever thereafter the General Assembly shall meet on the first Monday in January next ensuing the election, at which session thereof the Governor shall be inaugurated.

SEC. 9. No person shall be a Representative unless he shall be a citizen of the United States, of the age of twenty-one years, and shall have been a citizen of this State for three years and a resident in the county he represents one year immediately preceding the election.

SEC. 10. No person shall be a Senator unless he shall be a citizen of the United States, of the age of thirty years, and shall have resided three years in this State and one year in the county or district immediately preceding the election. No Senator or Representative shall, during the time for which he was elected, be eligible to any office or place of trust, the appointment to which is vested in the Executive or General Assembly, except to the office of trustee of a literary institution.

SEC. 11. The Senate and House of Representatives, when assembled, shall each choose a Speaker and its other officers; be

judges of the qualifications and election of its members, and sit upon its own adjournment from day to day. Not less than two-thirds of all the members to which each House shall be entitled shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized by law to compel the attendance of absent members.

SEC. 12. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same offense; and shall have all other powers necessary for a branch of the Legislature of a free State.

SEC. 13. Senators and Representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

SEC. 14. Each House may punish by imprisonment, during its session, any person not a member, who shall be guilty of disrespect to the House by any disorderly or any contemptuous behavior in its presence.

SEC. 15. When vacancies happen in either House the Governor for the time being shall issue writs of election to fill such vacancies.

SEC. 16. Neither House shall, during its session, adjourn without the consent of the other for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 17. Bills may originate in either House, but may be amended, altered, or rejected by the other. No bill shall become a law which embraces more than one subject, that subject to be expressed in the title. All acts which repeal, revive, or amend former laws, shall recite in their caption, or otherwise, the title or substance of the law repealed, revived, or amended.

SEC. 18. Every bill shall be read once on three different days, and be passed each time in the House where it originated before transmission to the other. No bill shall become a law until it shall have been read and passed, on three different days, in each House, and shall have received on its final passage, in each House, the assent of a majority of all the members to which that House shall be entitled under this Constitution; and shall have been signed by the respective Speakers in open session—the fact of such signing to be noted on the journal; and shall have received

the approval of the Governor, or shall have been otherwise passed under the provisions of this Constitution.

SEC. 19. After a bill has been rejected, no bill containing the same substance shall be passed into a law during the same session.

SEC. 20. The style of the laws of this State shall be : "*Be it enacted by the General Assembly of the State of Tennessee.*" No law of a general nature shall take effect until forty days after its passage, unless the same or the caption thereof shall state that the public welfare requires that it should take effect sooner.

SEC. 21. Each house shall keep a journal of its proceedings, and publish it, except such parts as the welfare of the State may require to be kept secret ; the ayes and noes shall be taken in each House upon the final passage of every bill of a general character, and bills making appropriations of public moneys ; and the ayes and noes of the members on any question shall at the request of any five of them, be entered on the journal.

SEC. 22. The doors of each House and of committees of the whole shall be kept open, unless when the business shall be such as ought to be kept secret.

SEC. 23. The sum of four dollars per day, and four dollars for every twenty-five miles traveling to and from the seat of government, shall be allowed to the members of each General Assembly elected after the ratification of this Constitution, as a compensation for their services. But no member shall be paid for more than seventy-five days of a regular session, or for more than twenty days of any extra or called session ; or for any day when absent from his seat in the Legislature, unless physically unable to attend. The Senators, when sitting as a court of impeachment, shall each receive four dollars per day of actual attendance.

SEC. 24. No money shall be drawn from the treasury but in consequence of appropriations made by law ; and an accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at the rise of each stated session of the General Assembly.

SEC. 25. No person who heretofore hath been, or may hereafter be, a collector or holder of public money, shall have a seat in either House of the General Assembly, or hold any other office under the State government, until such person shall have ac-

counted for and paid into the treasury all sums for which he may be accountable or liable.

SEC. 26. No Judge of any court of law or equity, Secretary of State, Attorney-General, Register, Clerk of any court of record, or person holding any office under the authority of the United States, shall have a seat in the General Assembly, nor shall any person in this State hold more than one lucrative office at the same time; *Provided*, That no appointment in the militia, or to the office of Justice of the Peace, shall be considered a lucrative office, or operative as a disqualification to a seat in either House of the General Assembly.

SEC. 27. Any member of either House of the General Assembly shall have liberty to dissent from and protest against any act or resolve which he may think injurious to the public or to any individual, and to have the reasons for his dissent entered on the journals.

SEC. 28. All property, real, personal, or mixed, shall be taxed, but the Legislature may except such as may be held by the State, by counties, cities, or towns, and used exclusively for public or corporation purposes, and such as may be held and used for purposes purely religious, charitable, scientific, literary, or educational, and shall except one thousand dollars' worth of personal property in the hands of each tax-payer, and the direct product of the soil in the hands of the producer and his immediate vendee. All property shall be taxed according to its value, that value to be ascertained in such manner as the Legislature shall direct, so that taxes shall be equal and uniform throughout the State. No one species of property from which a tax may be collected shall be taxed higher than any other species of property of the same value. But the Legislature shall have power to tax merchants, peddlers, and privileges in such manner as they may from time to time direct. The portion of a merchant's capital used in the purchase of merchandise sold by him to non-residents and sent beyond the State, shall not be taxed at a rate higher than the *ad valorem* tax on property. The Legislature shall have the power to levy a tax upon incomes derived from stocks and bonds that are not taxed *ad valorem*. All male citizens of this State over the age of twenty-one years, except such persons as may be exempted by law on account of age or other infirmity, shall be liable to a poll-tax of not less than fifty cents nor more than one dollar *per annum*.

Nor shall any county or corporation levy a poll-tax exceeding the amount levied by the State.

SEC. 29. The General Assembly shall have power to authorize the several counties and incorporated towns in this State to impose taxes for county and corporation purposes respectively, in such manner as shall be prescribed by law; and all property shall be taxed according to its value, upon the principles established in regard to State taxation. But the credit of no county, city or town shall be given or loaned to or in aid of any person, company, association, or corporation, except upon an election to be first held by the qualified voters of such county, city or town, and the assent of three-fourths of the votes cast at said election. Nor shall any county, city, or town become a stockholder with others in any company, association, or corporation, except upon a like election, and the assent of a like majority. But the counties of Grainger, Hawkins, Hancock, Union, Campbell, Scott, Morgan, Grundy, Sumner, Smith, Fentress, Van Buren, White, Putnam, Overton, Jackson, Cumberland, Anderson, Henderson, Wayne, Marshall, Cocke, Coffee, Macon, and the new county herein authorized to be established out of fractions of Sumner, Macon, and Smith counties, and Roane shall be excepted out of the provisions of this section, so far that the assent of a majority of the qualified voters of either of said counties voting on the question shall be sufficient, when the credit of such county is given or loaned to any person, association, or corporation; *Provided*, That the exception of the counties above named shall not be in force beyond the year one thousand eight hundred and eighty, and after that period they shall be subject to the three-fourths majority applicable to the other counties of the State.

SEC. 30. No article manufactured of the produce of this State shall be taxed otherwise than to pay inspection fees.

SEC. 31. The credit of this State shall not be hereafter loaned or be given to or in aid of any person, association, company, corporation, or municipality; nor shall the State become the owner, in whole or in part, of any bank, or a stockholder with others in any association, company, corporation, or municipality.

SEC. 32. No convention or General Assembly of this State shall act upon any amendment of the Constitution of the United States proposed by Congress to the several States, unless such convention or General Assembly shall have been elected after such amendment is submitted.

SEC. 33. No bonds of the State shall be issued to any railroad company which at the time of its application for the same shall be in default in paying the interest upon the State bonds previously loaned to it, or that shall hereafter, and before such application, sell or absolutely dispose of any State bonds loaned to it for less than par.

ARTICLE III.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in a Governor.

SEC. 2. The Governor shall be chosen by the electors of the members of the General Assembly, at the time and places where they shall respectively vote for the members thereof. The returns of every election for Governor shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of each House of the General Assembly. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint votes of both Houses of the General Assembly. Contested elections for Governor shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

SEC. 3. He shall be at least thirty years of age, shall be a citizen of the United States, and shall have been a citizen of this State seven years next before his election.

SEC. 4. The Governor shall hold his office for two years, and until his successor shall be elected and qualified. He shall not be eligible more than six years in any term of eight.

SEC. 5. He shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States; but the militia shall not be called into service except in case of rebellion or invasion, and then only when the General Assembly shall declare by law that the public safety requires it.

SEC. 6. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment.

SEC. 7. He shall, at stated times, receive a compensation for his services which shall not be increased or diminished during the period for which he shall have been elected.

SEC. 8. He may require information, in writing, from the officers in the executive department upon any subject relating to the duties of their respective offices.

SEC. 9. He may, on extraordinary occasions, convene the General Assembly by proclamation, in which he shall state specifically the purposes for which they are to convene; but they shall enter on no legislative business except that for which they were specifically called together.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. He shall, from time to time, give to the General Assembly information of the state of the government, and recommend for their consideration such measures as he shall judge expedient.

SEC. 12. In case of the removal of the Governor from office, or of his death or resignation, the powers and duties of the office shall devolve on the Speaker of the Senate; and in case of the death, removal from office, or resignation of the Speaker of the Senate, the powers and duties of the office shall devolve on the Speaker of the House of Representatives.

SEC. 13. No member of Congress, or person holding any office under the United States, or this State, shall execute the office of Governor.

SEC. 14. When any officer, the right of whose appointment is by this Constitution vested in the General Assembly, shall, during the recess, die, or the office, by the expiration of the term, or by other means, become vacant, the Governor shall have power to fill such vacancy by granting a temporary commission, which shall expire at the end of the next session of the Legislature.

SEC. 15. There shall be a seal of this State, which shall be kept by the Governor and used by him officially, and shall be called the *Great Seal of the State of Tennessee*.

SEC. 16. All grants and commissions shall be in the name and by the authority of the State of Tennessee, be sealed with the State seal, and signed by the Governor.

SEC. 17. A Secretary of State shall be appointed by joint vote of the General Assembly, and commissioned during the term of four years. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto,

before the General Assembly ; and shall perform such other duties as shall be enjoined by law.

SEC. 18. Every bill which may pass both Houses of the General Assembly shall, before it becomes a law, be presented to the Governor for his signature. If he approve, he shall sign it, and the same shall become a law ; but if he refuse to sign it, he shall return it, with his objections thereto in writing, to the House in which it originated, and said House shall cause said objections to be entered at large upon its journals, and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill notwithstanding the objections of the Executive, it shall be sent, with said objections, to the other House, by which it shall be likewise reconsidered. If approved by a majority of the whole number elected to that House, it shall become a law. The votes of both Houses shall be determined by yeas and nays, and the names of all the members voting for or against the bill shall be entered upon the journals of their respective Houses. If the Governor shall fail to return any bill, with his objections, within five days (Sundays excepted) after it shall have been presented to him, the same shall become a law without his signature, unless the General Assembly, by its adjournment, prevents its return, in which case it shall not become a law. Every joint resolution or order, except on questions of adjournment, shall likewise be presented to the Governor for his signature, and before it shall take effect shall receive his signature, and on being disapproved by him, shall in like manner be returned with his objections ; and the same, before it shall take effect, shall be repassed by a majority of all the members elected to both Houses, in the manner and according to the rules prescribed in case of a bill.

ARTICLE IV.

ELECTIONS.

SECTION 1. Every male person of the age of twenty-one years, being a citizen of the United States, and a resident of this State for twelve months, and of the county wherein he may offer his vote for six months, next preceding the day of election, shall be entitled to vote for members of the General Assembly and other civil officers for the county or district in which he resides ; and

there shall be no qualification attached to the right of suffrage except that each voter shall give to the judges of election where he offers to vote satisfactory evidence that he has paid the poll-taxes assessed against him for such preceding period as the Legislature shall prescribe, and at such time as may be prescribed by law, without which his vote cannot be received. And all male citizens of the State shall be subject to the payment of poll-taxes and the performance of military duty within such ages as may be prescribed by law. The General Assembly shall have power to enact laws requiring voters to vote in the election precincts in which they may reside, and laws to secure the freedom of elections and the purity of the ballot-box.

SEC. 2. Laws may be passed excluding from the rights of suffrage persons who may be convicted of infamous crimes.

SEC. 3. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest or summons during their attendance at elections, and in going to and returning from them.

SEC. 4. In all elections to be made by the General Assembly the members thereof shall vote *viva voce*, and their votes shall be entered on the journal. All other elections shall be by ballot.

ARTICLE V.

IMPEACHMENTS.

SECTION 1. The House of Representatives shall have the sole power of impeachment.

SEC. 2. All impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation, and the Chief Justice of the Supreme Court, or, if he be on trial, the senior Associate Judge, shall preside over them. No person shall be convicted without the concurrence of two-thirds of the Senators sworn to try the officer impeached.

SEC. 3. The House of Representatives shall elect from their own body three members whose duty it shall be to prosecute impeachments. No impeachment shall be tried until the Legislature shall have adjourned *sine die*, when the Senate shall proceed to try such impeachment.

SEC. 4. The Governor, Judges of the Supreme Court, Judges of the inferior courts, Chancellors, Attorneys for the State, Treasurer,

Comptroller, and Secretary of State shall be liable to impeachment whenever they may, in the opinion of the House of Representatives, commit any crime in their official capacity which may require disqualification; but judgment shall only extend to removal from office and disqualification to fill any office thereafter. The party shall, nevertheless, be liable to indictment, trial judgment, and punishment according to law. The Legislature now has, and shall continue to have, power to relieve from the penalties imposed any person disqualified from holding office by the judgment of a court of impeachment.

SEC. 5. Justices of the Peace, and other civil officers not hereinbefore mentioned, for crimes or misdemeanors in office, shall be liable to indictment in such courts as the Legislature may direct; and, upon conviction, shall be removed from office by said court as if found guilty on impeachment, and shall be subject to such other punishment as may be prescribed by law.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in one Supreme Court and in such Circuit, Chancery, and other inferior courts as the Legislature shall from time to time ordain and establish, in the Judges thereof, and in Justices of the Peace. The Legislature may also vest such jurisdiction in corporation courts as may be deemed necessary. Courts to be holden by Justices of the Peace may also be established.

SEC. 2. The Supreme Court shall consist of five Judges, of whom not more than two shall reside in any one of the grand divisions of the State. The Judges shall designate one of their own number who shall preside as Chief Justice. The concurrence of three of the Judges shall, in every case, be necessary to a decision. The jurisdiction of this court shall be appellate only, under such restrictions and regulations as may from time to time be prescribed by law; but it may possess such other jurisdiction as is now conferred by law on the present Supreme Court. Said Court shall be held at Knoxville, Nashville and Jackson.

SEC. 3. The Judges of the Supreme Court shall be elected by the qualified voters of the State. The Legislature shall have power to prescribe such rules as may be necessary to carry out

the provisions of Section 2 of this Article. Every Judge of the Supreme Court shall be thirty-five years of age, and shall, before his election, have been a resident of the State for five years. His term of service shall be eight years.

SEC. 4. The Judges of the Circuit and Chancery Courts, and of other inferior courts, shall be elected by the qualified voters of the district or circuit to which they are to be assigned. Every Judge of such courts shall be thirty years of age, and shall, before his election, have been a resident of the State for five years, and of the circuit or district one year. His term of service shall be eight years.

SEC. 5. An Attorney-General and Reporter for the State shall be appointed by the Judges of the Supreme Court, and shall hold his office for a term of eight years. An Attorney for the State for any circuit or district for which a Judge having criminal jurisdiction shall be provided by law shall be elected by the qualified voters of such circuit or district, and shall hold his office for a term of eight years, and shall have been a resident of the State five years, and of the circuit or district one year. In all cases where the Attorney for any district fails or refuses to attend and prosecute according to law, the court shall have power to appoint an Attorney *pro tempore*.

SEC. 6. Judges and Attorneys for the State may be removed from office by a concurrent vote of both Houses of the General Assembly, each House voting separately; but two-thirds of the members to which each House may be entitled must concur in such vote. The vote shall be determined by ayes and noes, and the names of the members voting for or against the Judge or Attorney for the State, together with the cause or causes of removal, shall be entered on the journal of each House respectively. The Judge or Attorney for the State against whom the Legislature may be about to proceed shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereupon.

SEC. 7. The Judges of the Supreme or inferior courts shall, at stated times, receive a compensation for their services, to be ascertained by law, which shall not be increased or diminished during the time for which they are elected. They shall not be allowed any fees or perquisites of office, nor hold any office of trust or profit under the State or the United States.

SEC. 8. The jurisdiction of the Circuit, Chancery, and other inferior courts shall be as now established by law, until changed by the Legislature.

SEC. 9. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

SEC. 10. Judges or justices of the inferior courts of law and equity shall have power in civil cases to issue writs of *certiorari*, to remove any cause, or the transcript of the record thereof, from any inferior jurisdiction into such court of law, on sufficient cause, supported by oath or affirmation.

SEC. 11. No Judge of the Supreme or inferior courts shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been of counsel, or in which he may have presided in any inferior court, except by consent of all the parties. In case all or any of the judges of the Supreme Court shall be thus disqualified from presiding on the trial of any cause or causes, the court, or the Judges thereof, shall certify the same to the Governor of the State, and he shall forthwith specially commission the requisite number of men of law knowledge for the trial and determination thereof. The Legislature may, by general laws, make provision that special Judges may be appointed to hold any court the Judge of which shall be unable or fail to attend or sit, or to hear any cause in which the Judge may be incompetent.

SEC. 12. All writs and other process shall run in the name of the State of Tennessee, and bear test and be signed by the respective Clerks. Indictments shall conclude : "*Against the peace and dignity of the State.*"

SEC. 13. Judges of the Supreme Court shall appoint their Clerks, who shall hold their offices for six years. Chancellors shall appoint their Clerks and Masters, who shall hold their offices for six years. Clerks of the inferior courts, holden in the respective counties or districts, shall be elected by the qualified voters thereof, for the term of four years. Any Clerk may be removed from office for malfeasance, incompetency, or neglect of duty, in such manner as may be prescribed by law.

SEC. 14. No fine shall be laid on any citizen of this State that shall exceed fifty dollars, unless it shall be assessed by a jury of

his peers, who shall assess the fine at the time they find the fact, if they think the fine should be more than fifty dollars.

SEC. 15. The different counties of this State shall be laid off, as the General Assembly may direct, into districts of convenient size, so that the whole number in each county shall not be more than twenty-five, or four for every one hundred square miles. There shall be two Justices of the Peace and one Constable elected in each district by the qualified voters therein, except districts including county towns, which shall elect three Justices and two Constables. The jurisdiction of said officers shall be co-extensive with the county. Justices of the Peace shall be elected for the term of six and Constables for the term of two years. Upon the removal of either of said officers from the district in which he was elected, his office shall become vacant from the time of such removal. Justices of the Peace shall be commissioned by the Governor. The Legislature shall have power to provide for the appointment of an additional number of Justices of the Peace in incorporated towns.

ARTICLE VII.

STATE AND COUNTY OFFICERS.

SECTION 1. There shall be elected in each county, by the qualified voters therein, one Sheriff, one Trustee, one Register—the Sheriff and Trustee for two years and the Register for four years; but no person shall be eligible to the office of Sheriff more than six years in any term of eight years. There shall be elected for each county, by the Justices of the Peace, one Coroner and one Ranger, who shall hold their offices for two years. Said officers shall be removed for malfeasance or neglect of duty, in such manner as may be prescribed by law.

SEC. 2. Should a vacancy occur subsequent to an election in the office of Sheriff, Trustee, or Register, it shall be filled by the Justices; if in that of Clerk to be elected by the people, it shall be filled by the courts; and the person so appointed shall continue in office until his successor shall be elected and qualified; and such office shall be filled by the qualified voters at the first election for any of the county officers.

SEC. 3. There shall be a Treasurer or Treasurers and a Comptroller of the Treasury, appointed for the State by the vote of both

Houses of the General Assembly, who shall hold their offices for two years.

SEC. 4. The election of all officers and the filling of all vacancies not otherwise directed or provided by this Constitution shall be made in such manner as the Legislature shall direct.

SEC. 5. Elections for judicial and other civil officers shall be held on the first Thursday in August, one thousand eight hundred and seventy, and forever thereafter on the first Thursday in August next preceding the expiration of their respective terms of service. The term of each officer so elected shall be computed from the first day of September next succeeding his election. The term of office of the Governor and other executive officers shall be computed from the fifteenth of January next after the election of the Governor. No appointment or election to fill a vacancy shall be made for a period extending beyond the unexpired term. Every officer shall hold his office until his successor is elected or appointed and qualified. No special election shall be held to fill a vacancy in the office of Judge or District Attorney but at the time herein fixed for the biennial election of civil-officers; and such vacancy shall be filled at the next biennial election occurring more than thirty days after the vacancy occurs.

ARTICLE VIII.

MILITIA.

SECTION 1. All militia officers shall be elected by persons subject to military duty within the bounds of their several companies, battalions, regiments, brigades, and divisions, under such rules and regulations as the Legislature may, from time to time, direct and establish.

SEC. 2. The Governor shall appoint the Adjutant-General and his other staff officers; the Major-Generals, Brigadier-Generals, and commanding officers of regiments, shall respectively appoint their staff officers.

SEC. 3. The Legislature shall pass laws exempting citizens belonging to any sect or denomination of religion, the tenets of which are known to be opposed to bearing arms, from attending private and general musters.

ARTICLE IX.

DISQUALIFICATIONS.

SECTION 1. Whereas, ministers of the gospel are, by their profession, dedicated to God and the care of souls, and ought not to be diverted from the great duties of their functions; therefore, no minister of the gospel, or priest of any denomination whatever, shall be eligible to a seat in either House of the Legislature.

SEC. 2. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this State.

SEC. 3. Any person who shall, after the adoption of this Constitution, fight a duel, or knowingly be the bearer of a challenge to fight a duel, or send or accept a challenge for that purpose, or be an aider and abettor in fighting a duel, shall be deprived of the right to hold any office of honor or profit in this State, and shall be punished otherwise, in such manner as the Legislature may prescribe.

ARTICLE X.

*OATHS—BRIBERY OF ELECTORS—NEW COUNTIES.

SECTION 1. Every person who shall be chosen or appointed to any office of trust or profit under this Constitution, or any law made in pursuance thereof, shall, before entering upon the duties thereof, take an oath to support the Constitution of this State and of the United States, and an oath of office.

SEC. 2. Each member of the Senate and House of Representatives shall, before they proceed to business, take an oath or affirmation to support the Constitution of this State and of the United States, and also the following oath: "I, ———, do solemnly swear [or affirm] that, as a member of this General Assembly, I will, in all appointments, vote without favor, affection, partiality, or prejudice; and that I will not propose or assent to any bill, vote, or resolution which shall appear to me injurious to the people, or consent to any act or thing whatever that shall have a tendency to lessen or abridge their rights and privileges as declared by the Constitution of this State."

SEC. 3. Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such pun-

ishment as the laws shall direct ; and any person who shall, directly or indirectly, give, promise, or bestow any such reward to be elected, shall thereby be rendered incapable for six years to serve in the office for which he was elected, and be subject to such further punishment as the Legislature shall direct.

SEC. 4. New counties may be established by the Legislature, to consist of not less than two hundred and seventy-five square miles, and which shall contain a population of seven hundred qualified voters. No line of such county shall approach the court-house of any old county from which it may be taken nearer than eleven miles, nor shall such old county be reduced to less than five hundred square miles ; but the following exceptions are made to the foregoing provisions, viz.: New counties may be established by the present or any succeeding Legislature out of the following territory, to wit: Out of that portion of Obion county which lies west of the low-water mark of Reelfoot Lake ; out of fractions of Sumner, Macon, and Smith counties, but no line of such new county shall approach the court-house of Sumner or Smith counties nearer than ten miles, nor include any part of Macon county lying within nine and a half miles of the court-house of said county, nor shall more than twenty square miles of Macon county, nor any part of Sumner county lying due west of the western boundary of Macon county, be taken in the formation of said new county ; out of fractions of Grainger and Jefferson counties, but no line of such new county shall include any part of Grainger county north of the Holston River, nor shall any line thereof approach the court-house of Jefferson county nearer than eleven miles (such new county may include any other territory which is not excluded by any general provision of this Constitution) ; out of fractions of Jackson and Overton counties, but no line of such new county shall approach the court-house of Jackson or Overton counties nearer than ten miles, nor shall such county contain less than four hundred qualified voters, nor shall the area of either of the old counties be reduced below four hundred and fifty square miles ; out of fractions of Roane, Monroe, and Blount counties, around the town of Loudon, but no line of such new county shall ever approach the towns of Maryville, Kingston, or Madisonville, nearer than eleven miles, except that on the south side of the Tennessee River said lines may approach as near as ten miles to the court-house of Roane county. The counties of Lewis, Cheatham,

and Sequatchie, as now established by legislative enactments, are hereby declared to be constitutional counties. No part of Bledsoe county shall be taken to form a new county, or a part thereof, or be attached to any adjoining county. That portion of Marion county included within the following boundaries : Beginning on the the Grundy and Marion county line at the Nick-a-jack Trace, and running about six hundred yards west of Ben. Posey's to where the Tennessee Coal Railroad crosses the line ; running thence south-east through the Pocket, near William Summers', crossing the Battle Creek Gulf at the corner of Thomas Wooten's field ; thence running across the Little Gizzard Gulf at Raven Point ; thence in a direct line to the bridge crossing the Big Fiery Gizzard ; thence in a direct line to the mouth of Holy Water Creek ; thence up said creek to the Grundy county line, and thence with said line to the beginning, is hereby detached from Marion county and attached to the county of Grundy. No part of a county shall be taken off to form a new county, or a part thereof, without the consent of two-thirds of the qualified voters in such part taken off ; and where an old county is reduced for the purpose of forming a new one, the seat of justice in said old county shall not be removed without the concurrence of two-thirds of both branches of the Legislature ; nor shall the seat of justice of any county be removed without the concurrence of two-thirds of the qualified voters of the county. But the foregoing provision requiring a two-thirds majority of the voters of a county to remove its county seat, shall not apply to the counties of Obion and Cocke. The fractions taken from old counties to form new counties, or taken from one county and added to another, shall continue liable for their *pro rata* of all debts contracted by their respective counties prior to the separation, and be entitled to their proportion of any stocks or credits belonging to such old counties.

SEC. 5. The citizens who may be included in any new county shall vote with the county or counties from which they may have been stricken off for members of Congress, for Governor, and for members of the General Assembly, until the next apportionment of members to the General Assembly after the establishment of such new county.

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

SECTION 1. All laws and ordinances now in force and in use in

this State, not inconsistent with this Constitution, shall continue in force and use until they shall expire, or be altered or repealed by the Legislature. But ordinances contained in any former Constitution or schedule thereto are hereby abrogated.

SEC. 2. Nothing contained in this Constitution shall impair the validity of any debts or contracts, or affect any rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

SEC. 3. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of all the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays thereon, and referred to the General Assembly then next to be chosen, and shall be published six months previous to the time of making such choice; and if, in the General Assembly then next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people in such manner and at such times as the General Assembly shall prescribe. And if the people shall approve and ratify such amendment or amendments by a majority of all the citizens of the State voting for Representatives voting in their favor, such amendment or amendments shall become a part of this Constitution. When any amendment or amendments to the Constitution shall be proposed in pursuance of the foregoing provisions, the same shall, at each of said sessions, be read three times on three several days in each House. The Legislature shall not propose amendments to the Constitution oftener than once in six years. The Legislature shall have the right, at any time, by law, to submit to the people the question of calling a convention to alter, reform, or abolish this Constitution; and when, upon such submission, a majority of all the votes cast shall be in favor of said proposition, then delegates shall be chosen, and the convention shall assemble in such mode and manner as shall be prescribed.

SEC. 4. The Legislature shall have no power to grant divorces, but may authorize the courts of justice to grant them for such causes as may be specified by law; but such laws shall be general and uniform in their operation throughout the State.

SEC. 5. The Legislature shall have no power to authorize lotteries for any purpose, and shall pass laws to prohibit the sale of lottery tickets in this State.

SEC. 6. The Legislature shall have no power to change the names of persons, or to pass acts adopting or legitimatizing persons, but shall, by general laws, confer this power on the courts.

SEC. 7. The Legislature shall fix the rate of interest, and the rate so established shall be equal and uniform throughout the State; but the Legislature may provide for a conventional rate of interest, not to exceed ten per cent. *per annum*.

SEC. 8. The Legislature shall have no power to suspend any general law for the benefit of any particular individuals, nor to pass any law for the benefit of individuals inconsistent with the general laws of the land; nor to pass any law granting to any individual or individuals rights, privileges, immunities, or exemptions other than such as may be by the same law extended to any member of the community who may be able to bring himself within the provisions of such law. No corporation shall be created, or its powers increased or diminished by special laws, but the General Assembly shall provide by general laws for the organization of all corporations hereafter created, which laws may at any time be altered or repealed; and no such alteration or repeal shall interfere with or divest rights which have become vested.

SEC. 9. The Legislature shall have the right to vest such powers in the courts of justice, with regard to private and local affairs, as may be deemed expedient.

SEC. 10. A well-regulated system of internal improvement is calculated to develop the resources of the State and promote the happiness and prosperity of her citizens; therefore it ought to be encouraged by the General Assembly.

SEC. 11. A homestead in the possession of each head of a family, and the improvements thereon to the value, in all, of one thousand dollars, shall be exempt from sale under legal process during the life of such head of a family, to inure to the benefit of the widow, and shall be exempt during the minority of their children occupying the same. Nor shall said property be alienated without the joint consent of the husband and wife when that relation exists. This exemption shall not operate against public taxes, nor debts contracted for the purchase money of such homestead or improvements thereon.

SEC. 12. Knowledge, learning, and virtue being essential to the preservation of republican institutions, and the diffusion of the opportunities and advantages of education throughout the different portions of the State being highly conducive to the promotion of this end, it shall be the duty of the General Assembly, in all future periods of this Government, to cherish literature and science. And the fund called the common school fund, and all the lands and proceeds thereof, dividends, stocks, and other property of every description whatever, heretofore by law appropriated by the General Assembly of this State for the use of common schools, and all such as shall hereafter be appropriated, shall remain a perpetual fund, the principal of which shall never be diminished by legislative appropriation; and the interest thereof shall be inviolably appropriated to the support and encouragement of common schools throughout the State, and for the equal benefit of all the people thereof; and no law shall be made authorizing said fund, or any part thereof, to be diverted to any other use than the support and encouragement of common schools. The State taxes derived hereafter from polls shall be appropriated to educational purposes, in such manner as the General Assembly shall, from time to time, direct by law. No school established or aided under this section shall allow white and negro children to be received as scholars together in the same school. The above provisions shall not prevent the Legislature from carrying into effect any laws that have been passed in favor of the colleges, universities, or academies, or from authorizing heirs or distributees to receive and enjoy escheated property under such laws as may be passed from time to time.

SEC. 13. The General Assembly shall have power to enact laws for the protection and preservation of game and fish within the State, and such laws may be enacted for and applied and enforced in particular counties or geographical districts designated by the General Assembly.

SEC. 14. The intermarriage of white persons with negroes, mulattoes, or persons of mixed blood, descended from a negro to the third generation, inclusive, or their living together as man and wife, in this State, is prohibited. The Legislature shall enforce this section by appropriate legislation.

SEC. 15. No person shall, in time of peace, be required to perform any service to the public on any day set apart by his religion as a day of rest.

SEC. 16. The declaration of rights, hereto prefixed, is declared to be a part of the Constitution of this State, and shall never be violated on any pretense whatever. And to guard against transgression of the high powers we have delegated, we declare that everything in the bill of rights contained is excepted out of the general powers of the Government, and shall forever remain inviolate.

SEC. 17. No county office created by the Legislature shall be filled otherwise than by the people or the County Court.

SCHEDULE.

SECTION 1. That no inconvenience may arise from a change of the Constitution, it is declared that the Governor of the State, the members of the General Assembly, and all officers elected at or after the general election of March, 1870, shall hold their offices for the terms prescribed in this Constitution. Officers appointed by the courts shall be filled by appointment, to be made and to take effect during the first term of the court held by Judges elected under this Constitution. All other officers shall vacate their places thirty days after the day fixed for the election of their successors under this Constitution. The Secretary of State, Comptroller, and Treasurer shall hold their offices until the first session of the present General Assembly occurring after the ratification of this Constitution, and until their successors are elected and qualified. The officers then elected shall hold their offices until the fifteenth day of January, 1873.

SEC. 2. At the first election of Judges under this Constitution there shall be elected six Judges of the Supreme Court, two from each grand division of the State, who shall hold their offices for the term herein prescribed. In the event any vacancy shall occur in the office of either of said Judges at any time after the first day of January, 1873, it shall remain unfilled, and the court shall from that time be constituted of five Judges. While the court shall consist of six Judges they may sit in two sections, and may hear and determine causes in each at the same time, but not in different grand divisions at the same time. When so sitting the concurrence of two Judges shall be necessary to a decision. The Attorney-General and Reporter for the State shall be appointed after the election and qualification of the Judges of the Supreme Court herein provided for.

SEC. 3. Every Judge and every officer of the executive department of this State, and every Sheriff holding over under this Constitution shall, within twenty days after the ratification of this Constitution is proclaimed, take an oath to support the same ; and the failure of any officer to take such oath shall vacate his office.

SEC. 4. The time which has elapsed since the sixth day of May, 1861, until the first day of January, 1867, shall not be computed in any cases affected by the statutes of limitation, nor shall any writ of error be affected by such lapse of time.



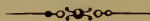
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TO

THE CONSTITUTION OF TENNESSEE.

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APPENDIX.



LIST OF GOVERNORS, WITH TIME OF SERVICE.

STATE OF FRANKLIN.

	<i>From</i>	<i>To</i>
1. John Sevier	1785	1788

TERRITORY SOUTH OF THE RIVER OHIO.

2. William Blount	1790	1796
-----------------------------	------	------

STATE OF TENNESSEE.

3. <i>John Sevier</i>	1796	1801
4. <i>Archibald Roane</i>	1801	1803
5. <i>John Sevier</i>	1803	1809
6. <i>Willie Blount</i>	1809	1815
7. <i>Joseph McMinn</i>	1815	1821
8. <i>William Carroll</i>	1821	1827
9. <i>Sam Houston</i> ¹	1827	1829
10. <i>William Hall</i>	1829	1829
11. <i>William Carroll</i>	1829	1835
12. <i>Newton Cannon</i>	1835	1839
13. <i>James K. Polk</i>	1839	1841
14. <i>James C. Jones</i>	1841	1845
15. <i>Aaron V. Brown</i>	1845	1847
16. <i>Neil S. Brown</i>	1847	1849
17. <i>William Trousdale</i>	1849	1851
18. <i>William B. Campbell</i>	1851	1853
19. <i>Andrew Johnson</i>	1853	1857
20. <i>Isham, G. Harris</i>	1857	1862
21. <i>Andrew Johnson</i> ²	1862	1865

All Democratic State Governors (called Democratic-Republican until 1828) are indicated by italics. The rest were Whigs and Republicans.

¹ Houston resigned in 1829, and William Hall, Speaker of the Senate, becoming Governor, served out the term.

² Andrew Johnson was appointed Military Governor by President Lincoln.

LIST OF GOVERNORS—*Continued.*

	<i>From</i>	<i>To</i>
22. William G. Brownlow ¹	1865	1869
23. D. W. C. Senter ¹	1869	1871
24. John C. Brown	1871	1875
25. James D. Porter	1875	1879
26. Albert S. Marks	1879	1881
27. Alvin Hawkins	1881	1883
28. William B. Bate	1883	1887
29. Robert L. Taylor	1887	1891
30. John P. Buchapan	1891	1893
31. Peter Turney	1893	—

Population of the Cities of Tennessee According to
the Census of 1890, Compared with that of 1880,
and Showing the Gain or Loss per cent.

<i>Name.</i>	<i>Population.</i>		<i>Increase.</i>	
	<i>1890.</i>	<i>1880.</i>	<i>No.</i>	<i>Per cent.</i>
1. Nashville	76,168	43,350	32,818	75.70
2. Memphis	64,495	33,592	30,903	92.00
3. Chattanooga	29,100	12,892	16,208	125.72
4. Knoxville	27,573 ²	9,693	17,880	184.46
5. Jackson	10,039	5,377	4,662	86.70
6. Clarksville	7,924	3,880	4,044	104.23
7. Columbia	5,370	3,400	1,970	57.94
8. Johnson City	4,161	685	3,476	507.45
9. Murfreesboro'.	3,739	3,800	61 ³	1.61 ³
10. Union City	3,441	1,879	1,562	83.13
11. Bristol ⁴	3,324	1,647	1,677	101.82
12. Cleveland	2,863	1,874	989	52.77
13. Dayton	2,719	200	2,519	1,259.50

¹ Brownlow resigned in 1869, having been elected United States Senator, and D. W. C. Senter, Speaker of the Senate, becoming Governor, served out the term.

² Including South, North, and West Knoxville.

³ A decrease.

⁴ That part of Bristol that is located in Tennessee is given. Total population of Bristol (Virginia and Tennessee) is 6,226.

POPULATION OF CITIES—*Continued.*

<i>Name.</i>	<i>Population.</i>		<i>No.</i>	<i>Increase.</i>	
	<i>1890.</i>	<i>1880.</i>		<i>Per cent.</i>	
14. St. Elmo	2,577	—	2,577	—	
15. Brownsville . . .	2,516	—	2,516	—	
16. Tullahoma . . .	2,439	1,083	1,356	125.21	
17. Rockwood	2,429	1,011	1,418	140.26	
18. Fayetteville . . .	2,410	2,104	306	14.54	
19. Pulaski	2,274	2,089	185	8.86	
20. Franklin	2,250	1,632	618	37.87	
21. Athens	2,224	1,100	1,124	102.18	
22. Gallatin	2,078	1,938	140	7.22	
23. Dyersburg	2,009	1,010	999	98.91	

**Comparative View of the Population of the Several
Counties of Tennessee According to the Census
of 1880 and the Census of 1890.**

<i>County.</i>	<i>County Seat.</i>	<i>Pop. in 1880.</i>	<i>Pop. in 1890.</i>
Anderson,	Clinton	10,820	15,128
Bedford,	Shelbyville	26,025	24,739
Benton,	Camden	9,780	11,230
Bledsoe,	Pikeville	5,617	6,134
Blount,	Maryville	15,985	17,589
Bradley,	Cleveland	12,124	13,607
Campbell,	Jacksboro'	10,005	13,486
Cannon,	Woodbury	11,859	12,197
Carroll,	Huntingdon	22,103	23,630
Carter,	Elizabethton	10,019	13,389
Cheatham,	Ashland City	7,956	8,845
Chester, ¹	Henderson	—	9,069
Claiborne,	Tazewell	13,373	15,103
Clay,	Celina	6,987	7,260
Cocke,	Newport	14,808	16,523
Coffee,	Manchester	12,894	13,827
Crockett,	Alamo	14,109	15,146
Cumberland,	Crossville	4,538	5,376
Davidson,	Nashville	79,026	108,174
Decatur,	Decaturville	8,498	8,995
Dekalb,	Smithville	14,813	15,650

¹Organized since 1880.

COMPARATIVE VIEW OF POPULATION—*Continued.*

<i>County.</i>	<i>County Seat.</i>	<i>Pop. in 1880.</i>	<i>Pop. in 1890.</i>
Dickson,	Charlotte	12,460	13,645
Dyer,	Dyersburg	15,118	19,878
Fayette,	Somerville	31,871	28,878
Fentress,	Jamestown	5,941	5,226
Franklin,	Winchester	17,178	18,929
Gibson,	Trenton	32,685	35,859
Giles,	Pulaski	36,014	34,957
Grainger,	Rutledge	12,384	13,196
Greene,	Greeneville	24,005	26,614
Grundy,	Altamont	4,592	6,345
Hamblen,	Morristown	10,187	11,418
Hamilton,	Chattanooga	23,642	53,482
Hancock,	Sneedville	9,098	10,342
Hardeman,	Bolivar	22,921	21,029
Hardin,	Savannah	14,793	17,698
Hawkins,	Rogersville	20,610	22,246
Haywood,	Brownsville	36,053	23,558
Henderson,	Lexington	17,430	16,336
Henry,	Paris	22,142	21,070
Hickman,	Centreville	12,095	14,499
Houston,	Erin	4,295	5,390
Humphreys,	Waverly	11,379	11,720
Jackson,	Gainesboro'	12,008	13,325
James,	Ooltewah	5,187	4,903
Jefferson,	Dandridge	15,846	16,478
Johnson,	Mountain City	7,766	8,858
Knox,	Knoxville	39,124	59,557
Lake,	Tiptonville	3,968	5,304
Lauderdale,	Ripley	14,918	18,756
Lawrence,	Lawrenceburg	10,383	12,286
Lewis,	Newburg	2,181	2,555
Lincoln,	Fayetteville	26,960	27,382
Loudon,	Loudon	9,148	9,273
McMinn,	Athens	15,064	17,890
McNairy,	Selmer	17,271	15,510
Macon,	La Fayette	9,321	10,878
Madison,	Jackson	30,874	30,497
Marion,	Jasper	10,910	15,411

COMPARATIVE VIEW OF POPULATION—*Continued.*

<i>County.</i>	<i>County Seat.</i>	<i>Pop. in 1880.</i>	<i>Pop. in 1890.</i>
Marshall,	Lewisburg	19,259	18,906
Maury,	Columbia	39,904	38,112
Meigs,	Decatur	7,117	6,930
Monroe,	Madisonville	14,283	15,329
Montgomery,	Clarksville	28,481	29,697
Moore,	Lynchburg	6,233	5,975
Morgan,	Wartburg	5,156	7,639
Obion,	Union City	22,912	27,273
Overton,	Livingston	12,153	12,039
Perry,	Linden	7,174	7,785
Pickett, ¹	Byrdstown	—	4,736
Polk,	Benton	7,269	8,361
Putnam,	Cookeville	11,501	13,683
Rhea,	Dayton	7,073	12,647
Roane,	Kingston	15,237	17,418
Robertson,	Springfield	18,861	20,078
Rutherford,	Murfreesboro'	36,741	35,097
Scott,	Huntsville	6,021	9,794
Sequatchie,	Dunlap	2,565	3,027
Sevier,	Sevierville	15,541	18,761
Shelby,	Memphis	78,430	112,740
Smith,	Carthage	17,799	18,404
Stewart,	Dover	12,690	12,193
Sullivan,	Blountville	18,321	20,879
Sumner,	Gallatin	23,625	23,668
Tipton,	Covington	21,033	24,271
Trousdale,	Hartsville	6,646	5,850
Unicoi,	Erwin	3,645	4,619
Union,	Maynardville	10,260	11,459
Van Buren,	Spencer	2,933	2,863
Warren,	McMinnville	14,079	14,413
Washington,	Jonesboro'	16,181	20,354
Wayne,	Waynesboro'	11,301	11,471
Weakly,	Dresden	24,538	28,955
White,	Sparta	11,176	12,348
Williamson,	Franklin	28,313	26,321
Wilson,	Lebanon	28,747	27,148

¹ Organized since 1880.

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The Student may Read these for More Extended
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